OFFICE OF THE DIRECTOR OF CAMPAIGN FINANCE

504 Munsey Building
Washington, D.C. 20004

CARL H. McINTYRE
DIRECTOR

March 17, 1977

TO: Board of Elections and Ethics

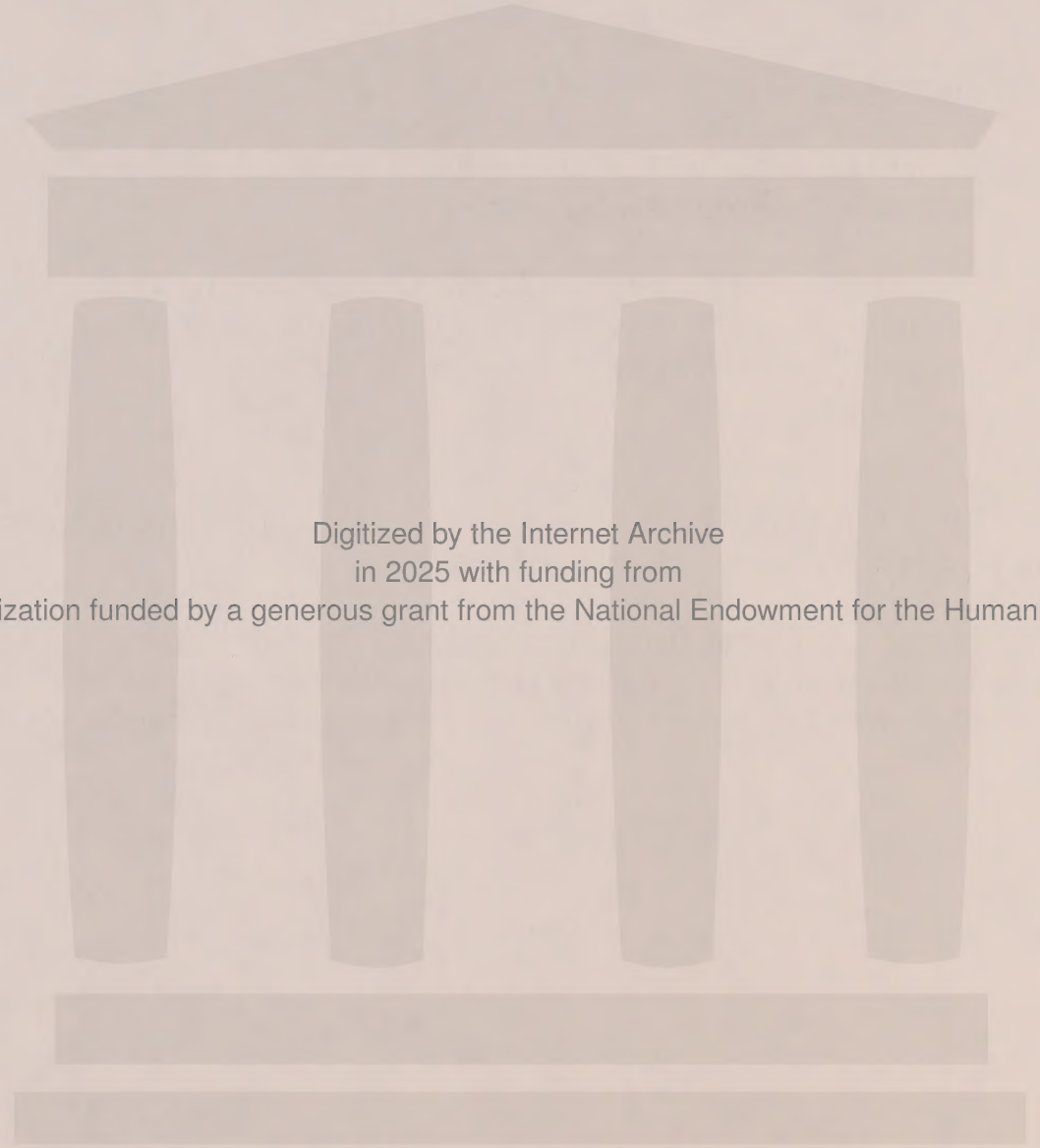
FR: Carl H. McIntyre, Director
Office of Campaign Finance

SUBJ: Investigators Report and Opinion involving the Complaint of Walter Byard against Julius Hobson and or Willie Hardy.

The following is the investigator's report and opinion in reference to the aforementioned subject.

Although Councilmember Hobson denies authorization of the news release involved, in view of the attach report, it is hereby recommended that the Board adopt the investigator's recommendation therein.

RECEIVED
MAR 21 1977
Julius Hobson, Sr.
Councilmember-At-Large



May 1967

Memorandum o Government of the District of Columbia

TO: Carl H. McIntyre, Director

Department,
Agency, Office: Campaign Finance

FROM: Lindell Tinsley, Investigator

Date: January 6, 1977

SUBJECT: January 5, 1977 Interview
With Willie Hardy
Member of the City Council

On January 5, 1977, at 10:30 A.M., I had the opportunity to interview Councilmember Willie Hardy in the investigation of Walter Byard v. Julius Hobson and/or Willie Hardy.

On September 3, 1976, the District of Columbia Board of Elections and Ethics received correspondence from Walter Byard in the nature of a complaint. Mr. Byard is a former candidate for City Council in Ward 7. The complaint alleges that a news release, (see attachment) dated August 27, 1976, was circulated widely throughout Ward 7 and at a forum held on August 30, 1976; that this news release is on Council stationery, and its content is totally political. It was therefore requested that we initiate an immediate investigation as to possible violations of the Campaign Reform Act. In substance, Mr. Byard's concern is that any opponents of Councilwoman Hardy are put at a distinct disadvantage with the distribution of this news release on official District Government stationery.

During the January 5, 1977 interview, Mrs. Hardy disclaimed any authorization of this news release and stated that the release came from the office of Councilmember Julius Hobson. Mrs. Hardy points to the following specific language in a later statement of Councilman Hobson, dated September 2, 1976:

> "Any authorization to allow those statements to be attributed to me was a serious error on my part."

Mrs. Hardy does, however, admit to doing the background research for the previous release and stated that she supports the content and the purpose for which the news release was authorized (by Julius Hobson).

It is her opinion that the content of this news release, however political, was made and authorized pursuant to the lawful prerogative of any member of the District of Columbia City Council.

WS

On November 17, 1976, the Director of the Office of Campaign Finance requested a written opinion from the General Counsel involving the jurisdiction of the Board over the use of Council stationery for political purposes. The Director refers to the following specific language in the General Counsel's opinion from which he relies upon 27 Federal Bar 13:

> "An abuse of position to the detriment of a third party is involved when an official uses his official title, stationery or other symbol of his position to influence someone in transactions in which the government is not directly involved."

Relying on the guidelines within the aforementioned language, there i little doubt that the content and purpose of this (August 27, 1976) news release was directed to the average reader by a member of the Council to correct misinformation about the activity of that body.

Since the government is directly involved and has a paramount interest in the accurate communication of information to the public involving the interactions of that body, it is therefore respectfully recommended that thi complaint be dismissed.

B A C K G R O U N D

On August 27 and 30, 1976, Julius Hobson and/or Willie Hardy caused a newsrelease to be circulated throughout Ward 7 on Council stationery. It is alleged that the content of this stationery was for political purposes.

O P I N I O N

On November 17, 1976, the General Counsel, Winfred R. Mundle, issued this opinion:

> "The general rule appears to be that an abuse of position to the detriment of a third party is involved when an official uses his official title, stationery or other symbol of his position to influence someone in transactions in which the government is not directly involved, 27 Federal Bar 13."

Relying on the foregoing authority, Mr. Mundle arrived at the following:

> "It appears that logic would lead one to conclude that, if other stationery is used (non-government) it would have to be done at an additional expense, and an expense saved is an expense gained."

Therefore, the use of Council stationery under these circumstances would be in violation of our conflict of interest statutes. District of Columbia Code 1-1181(b) and probably Title 22, Section 2206 of D. C. Code 1973 Edition, as amended.

The fruits of our investigation have produced evidence of a September 2, 1976 statement containing the signature of Councilman-at-large Julius W. Hobson and on an August 27, 1976 District of

Columbia City Council news release. (See Exhibits A and B). Although the September 2, 1976 statement of Mr. Hobson clearly supports the re-election of Councilwoman Willie Hardy in Ward 7, we are unable to find that Mr. Hobson obtained personal financial gain by virtue of his official position as a member of the District's City Council. Mr. Hobson was not a candidate, and there is no evidence that he received any monetary gain resulting from the issuance of this statement. It is further observed that the statement was issued on plain white paper void of any indication that it may be official Council correspondence.

A discrepancy does exist, however, in reference to the August 27, 1976 City Council news release by Councilman Hobson. In the September 2, 1976 statement, Mr. Hobson denies that this release was either written or printed within his office. Moreover, during the investigation Mr. Hobson indicated that Councilwoman Willie Hardy was responsible for its release.

Accordingly, in resolving this conflict, we rely on 27 Federal Bar 13, cited in the November 17, 1976 Opinion of the General Counsel, "that an abuse of position to the detriment of a third party is involved when an official uses his official title, stationery or other symbol of his position to influence someone in transactions in which the government is not directly involved." (See Exhibit C).

In a supporting affidavit (See Exhibit D) Councilmember Hardy admits that she personally did all research on the subject of whether the "Council" had raised real estate taxes within the District. She further admits discussing this subject with Mr. Hobson at which time he agreed to issue a statement to clarify this matter. Reading all statements and affidavits, collectively, we are unable to find any conflict in the basic purpose and content of the news release. The discrepancy, if any, in regard to authorization, therefore, becomes of minor significance to the basic issue of conflict of interest.

Relying on the guidelines established within the Opinion of the General Counsel, there is little doubt that the content and purpose of this (August 27, 1976) news release was directed to the average reader by a member of the Council to correct misinformation about the activity of that body.

This fact, in addition to the public concern which generated its circulation, in our opinion, overshadows any loose interpretation that it may be campaign material.

Since the government is directly involved and has a paramount interest in the accurate communication of information to the public

involving the interactions of that body, it is therefore respectfully recommended that this complaint be dismissed.

It is further observed that the Council has passed corrective legislation (Act 1-211) which now awaits congressional approval and would permit the authorization of such news releases.

E X H I B I T S

A Statement of Councilman Julius W. Hobson

B District of Columbia City Council News Release entitled, Councilman Julius Hobson Angered By Political Tactics of Ward Seven Candidates, August 27, 1976

C November 17, 1976 Opinion from General Counsel, Winfred R. Mundle, through the Board of Elections and Ethics, to Carl H. McIntyre, Director of Campaign Finance

D March 3, 1977 Affidavit from Willie J. Hardy, Councilwoman, Ward Seven

E February 6, 1977 Affidavit by Councilman-at-Large, Julius W. Hobson

STATEMENT COUNCILMAN JULIUS W. HOBSON

A news release dated August 27, 1976, that was neither written nor printed in my office, has caused some controversy in Ward Seven. I would like to reiterate the following:

• At no time during the period that an elected City Council has been in office has the Council raised the rate of real estate tax applicable in the District of Columbia. Any statements to the contrary have no basis in fact and come from misinformed individuals.

• Councilwoman Willie Hardy, running for reelection in Ward 7, has my support.

Any other information in the news release relating to "political tactics" or "deceptive practices" of Ward Seven political candidates does not have my support, and should not be considered the opinion of Councilman Julius W. Hobson. Any authorization to allow those statements to be attributed to me was a serious error on my part.

Julius W. Hobson

Julius W. Hobson
Councilman-at-large

News Release

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

FOR IMMEDIATE RELEASE
(STATEMENT)

AUGUST 27, 1976

COUNCILMAN JULIUS HOBSON ANGERED BY POLITICAL TACTICS OF WARD SEVEN CANDIDATES

"I am enraged that the candidates opposing Councilwoman Willie Hardy in Ward Seven have been telling the voters of that Ward that the current City Council has voted to raise real estate taxes. This is absolutely untrue. I consider this as a personal insult to my integrity and character as an at-large member of the Council. Not one of us has voted to raise ANY real estate taxes, and I will oppose any effort to do so in the future.

"The legislation that these opponents of Mrs. Hardy have been unable to understand is merely enabling legislation. There would be no new bonds; there would be only a refinancing of Treasury Department bonds, bonds which our real estate taxes already pay for, and have been paying for for many years. By refinancing bonds, the city will actually SAVE money.

"When I heard about the deceptive practices going on, I was shocked; but when I saw these allegations in print, I was angered. Congress has given us this limited form of self-government, and they would be more than happy to take it back. When Congressmen see candidates for City Council openly distorting the facts before the public, they have yet another excuse to further disenfranchise us. People who wish to become leaders in this black community cannot be allowed to misinform the very people they want to represent.

"I would ask the voters of the District of Columbia to vote only for those persons who have told them the truth about the work of the Council, and to ignore those who willfully mislead them for their own personal and questionable gains."

(END)

For further info, call 724-8072.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS AND ETHICS

DISTRICT BUILDING

WASHINGTON, D. C. 20004

CHAIRPERSON
SHARI BARTON KHARASCH

MEMBERS
ROBERT GRAYSON McGUIRE
SALLIE A. JOHNSTON

November 17, 1976

MEMORANDUM

TO : Carl H. McIntyre
Director of Campaign Finance

FROM: Winfred R. Mundle
General Counsel

THRU: Board of Elections and Ethics

SUBJ: Request for a written opinion involving the jurisdiction of the Board over the use of Council Stationery

The general rule appears to be that "an abuse of position to the detriment of a third party is involved when an official uses his official title, stationery or other symbol of his position to influence someone in transactions in which the government is not directly involved," 27 Federal Bar 13. With this rule in view, we examine D.C. Code, section 1-1181(b) which reads:

> "No public official shall use his official position or office to obtain financial gain for himself, any member of his household, or any business with which he or a member of his household is associated, other than that compensation provided by law for said public official."

It appears that logic would lead one to conclude that if other stationery is used (non-government) it would have to be done at an additional expense and an expense saved is an expense gained.

This would be in violation of D.C. Code, section 1-1181(b) and probably Title 22, section 2206 of D.C. Code, 1973 Edition, as amended.

Council of the District of Columbia
Memorandum

City Hall, 14th and E Streets, N.W. Fifth Floor 638-2223 or Government Code 137-3806

To The Board of Elections and Ethics, D.C. Government

From Willie J. Hardy, Councilwoman, Seventh Ward

Date March 3, 1977

Subject Complaint of Mr. Walter E. Byard

On approximately August 21, 1976 I was confronted by a group saying this Council had raised Real Estate taxes. As a result, I spoke to Councilman Julius Hobson, at which time he agreed to issue a statement which should clarify the matter of "real estate taxes not being raised by the City Council." I personally did all the research on the subject.

Several members of the Seventh Ward Women's Caucus drew up a draft statement to be issued by Councilman Hobson, this was read to him by telephone, and upon his approval, this statement was typed as a Release.

This statement was reproduced by Mr. Al Hunter of Bell Printing Company, 5210 Sheriff Road, N.E.

The facts in the memo are true. My research will bear out that the rise in real property tax is a result of the Reese Amendment.

I have read a second memo from Councilman Hobson, and it does not refute the memo dated August 27, 1976.

DISTRICT OF COLUMBIA, SS:

This is to certify that I, Willie J. Hardy, do swear and affirm that the statements written herein are true and correct this 15 day of March, 1977.

Willie J. Hardy
WILLIE J. HARDY

This is to certify that Willie J. Hardy, whose name is signed on the foregoing Memorandum dated March 3, 1977, personally appeared before me Lorie G. Yates this 15th day of March, 1977 and acknowledged her signature and statements therein.

Lorie G. Yates
NOTARY PUBLIC

My Commission Expires: My Commission Expires October 31, 1980

J-3172-75

STATEMENT BY COUNCILMAN JULIUS W. HOBSON

For

THE BOARD OF ELECTIONS AND ETHICS

The News Release attributed to me dated August 27, 1976 was neither written, typed, printed, distributed, nor released by me or anyone else in my office. Mrs. Hardy's office contacted me by telephone asking if I would lend my name to a statement her office was preparing indicating that the City Council had at no time voted to raise real estate taxes. I consented to having my name associated with that statement. I did not authorize Mrs. Hardy to issue a News Release in my name on City Council stationery.

Julius W. Hobson

JULIUS W. HOBSON
Councilman-at-Large

DISTRICT OF COLUMBIA

: ss:

Subscribed and sworn to before me this 4th day of February, 1977.

E. M. Batchelder

Notary Public

My commission expires 6/14/77

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To Councilmembers

From Julius W. Hobson, Councilman-at-Large JWH

Date January 3, 1977

Subject "District of Columbia State Fair Act of 1977"

On Monday, January 3, 1977, I introduced the "District of Columbia State Fair Act of 1977." This bill is designed to stimulate the planning, development and execution of a true city-state fair in the District of Columbia.

The Need

State and county fairs have played an important role in the cultural heritage of the various states, serving to display the education, religious, social, industrial, commercial, agricultural and horticultural diversities which they possess. The District of Columbia has offered several city festivals, most notably the city's Bicentennial Celebration during the past year. However, the potential of a full-fledged state fair has never been adequate explored by the District.

Traditionally, state fairs have provided an arena for the presentation of new ideas and information for the education of the citizen and other fair visitors. Fairs also provide a market place for the demonstration, advertisement and sale of local and regional goods and services. Sponsors from the business community and the governmental section can present educational information to the public. Fairs importantly stimulate achievements through awards and prizes for excellence in various fields such as art and music. Furthermore, they create a cohesive festival atmosphere with their recreational and competitive events, amusements, and commercial attractions. Other states and localities have legislatively authorized the establishment of state fairs to encourage the full exhibition of their array of cultural and economic activities, while guaranteeing a high quality of programming.

Citizens in the District of Columbia have never enjoyed the opportunity of demonstrating their rich legacy, talents and accomplishments. The District of Columbia, both as the capital of the United States and as a potential city-state, possesses a unique international heritage of social, cultural, governmental, business and religious institutions which have never been adequately showcased for the citizens of the city and for our visitors.

Purpose of the Bill

The "District of Columbia State Fair Act of 1977", is designed to legislatively authorize a "State Fair", to establish a Board of Directors to guide and oversee its planning and development, and to provide for the creation of a non-profit corporation which will operate, manage, and publicize a fair for the District of Columbia. This bill will charge the Department of Recreation to stimulate the development of an annual fair.

Under provisions of the bill, the Mayor will be empowered to appoin a Board of Directors to oversee the entire development of a local fair, which would be operated through a partnership with private enterprise. Establishment of a non-profit corporation, as authoriz could facilitate the flexible and independent development of an exciting local event which will be essentially self-sustaining, after initial governmental support. The bill allows the Mayor full flexibility in the appointment of interested individuals to the Board of Directors; conceivably, a mixture of governmental officials, private citizens and business representatives could creatively establish the goals and operational guidelines which would assure an exciting annual city event.

Basic provisions of the bill call for quasi-private development with governmental oversight to insure a high quality program, facilitate private concessionaires' participation, encourage high citizen attendance, as well as a profitable recreational event. Developmental and funding provisions of the bill allow for grants, private donations, as well as local appropriations to assure that the full fiscal needs of the fair can be attained.

Local Opportunity

The Smithsonian Institution's Annual Folklife Festival has served to focus on the abundant heterogeneity of the nation's populace and their accomplishments. A display of Washington, D.C.'s achievements immediately following the Smithsonian festival would serve as a cohesive community activity, as well as an indication to visitors from other locales of the city's accomplishments in a variety of spheres. The Board of Directors should fully explore the possibility for utilizing the site and buildings of the Folklife Festiva

Given the unique relationship of the District of Columbia to the federal government and its facilities under the auspices of the Smithsonian Institution and the Department of Interior's National Park Service, it should be relatively easy and feasible to arrange for the use of the Folklife Festival's physical facilities, before the buildings are torn down, for the site of an Annual District of Columbia State Fair.

It is my intention as Chairman of the Committee on Education, Recreation and Youth Affairs to initiate an exploration of the possibility of coordinating this proposed local fair with the annual federal festival's resources and facilities. A District of Columbia State Fair, which immediately follows the closing of the National Folklife Festival, would encourage extended tourism as well as concomitant local economic development.

Local public and private school exhibits, governmental displays, and cooperative extension service participation through the University of the District of Columbia would be fully encouraged and supported. Existing local organizations, including churches and student focussed groups, such as scouts, 4-H, and other service groups would be invited to contribute. Private exhibitors and concessions have historically been a major part of state fairs; solicitation of their participation would serve to provide recreational and amusement activities for visitors to the fair.

As we move towards full self-government in the District of Columbia, it becomes increasingly important to highlight the positive accomplishments of the city in a festival or fair setting which will showcase the extraordinary talents of the people who live in this unique and beautiful city.

I urge your support.

Attachment

Julius W. Hobson

A BILL

In the Council of the District of Columbia

Councilman Julius W. Hobson introduced the following bill which was referred to the Committee

To authorize the establishment of a State Fair, to provide for the creation of a Board of Directors for the administration and supervision thereof and the establishment of a non-profit corporation to operate the Fair, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia State Fair Act of 1977".

Sec. 2. Purposes. (a) To promote educational and recreational opportunities for the citizens of the District of Columbia;

(b) to increase citizen awareness of the heritage of the District of Columbia;

(c) to foster economic development activities for the District of Columbia;

(d) to provide opportunities for youth and citizen involvement in community affairs; and

(e) to provide a medium for the education, cultural interaction, personal interaction and recreation of the citizens of the District of Columbia by offering a forum for the competitive and cooperation exhibition of the city's industrial, economic, social, and cultural accomplishments.

Sec. 3. Definitions. As used in this act, the term -

(a) "State Fair" means the District of Columbia State Fair;

(b) "Board" means the Board of Directors of the District of Columbia State Fair;

(c) "Corporation" means a non-profit corporation organized pursuant to District regulations for the operation and management of the District of Columbia State Fair;

(d) "Courtesy Pass Admission" means any admission, without payment of a charge to the State Fair, except the following:

(1) credential admission and

(2) admission of any child under twelve (12) years of age;

(e) "Credential admission" means any admission which is authorized by the Board of Directors of the State Fair without payment of a charge when service is rendered by the person to be admitted which is necessary for the conduct of the Fair.

Sec. 4. Establishment of State Fair and Board of Directors. (a) There is established in the Department of Recreation, the District of Columbia State Fair, as an institution of the District of Columbia.

(b) There is created The Board of Directors of the District of Columbia State Fair which shall consist of 14 members. The members of said board shall be appointed by the Mayor for a term of four (4) years.

(c) Each member of the Board of Directors shall be a resident of the District of Columbia and shall serve for a term

of four years, except that of the members first appointed to the Board, seven members shall be appointed to serve for a term of two years, to be determined by lot.

(d) Any person appointed to fill a vacancy on the Board shall be appointed only to fill the remainder of the term for which her or his predecessor was appointed and shall be appointed in the same manner as the original selection.

(e) The Chairman of the Board of Directors of the District of Columbia State Fair shall be designated by the Mayor.

(f) Seven members shall constitute a quorum of the Board and no official action of the Board shall be taken except in an open meeting of the Board with a quorum present.

Sec. 5. Powers and Duties of the Board of Directors. (a) The Board of Directors shall supervise the management and operation of the District of Columbia State Fair. Furthermore, the Board of Directors shall determine the specific objectives of each annual State Fair.

(b) The Board may pay membership fees, join and participate in the affairs of associations which have for their purpose the interchange of information on the conduct and management of fairs.

(c) All records of the Board shall be open to inspection by the public during regular office hours. The sole exception to this provision shall be entries in events which are scheduled for future judging.

(d) The Board may solicit donations and private or governmental grants or assistance for the planning, development, and operation of a State Fair.

(e) The Board of Directors shall secure a fair site, including all negotiations for construction and lease arrangements.

(f) The Board may contract with a Corporation for the operation and maintenance of an annual fair, on terms and conditions which it determines are in the best interest of the city. The contract between the Board and the Corporation shall provide for the following:

(1) the operation of such annual activities on a fair site as the parties deem beneficial to the fair;

(2) the full involvement of local youth in the planning, development and operation of exhibits, to the extent practicable;

(3) the fullest participation of established citizen groups and governmental bodies;

(4) the preservation of appropriate records and documents pertaining to activities and expenditures of the corporation and their availability for examination by the Board and audit by the Department of Recreation at the expense of the Corporation;

(5) the terminability of such contract by the Board with the approval of the Director of the Department of Recreation; and

(6) such other provisions as in the judge-

ment of the city should be included in the contract not inconsistent with this act or other provisions of law.

Sec. 6. Approval of Contracts or Leases. Any contract or lease between the Corporation and the Board, including and amendments to it, is subject to the approval of the Director of the Department of Recreation, and should follow the procedures regularly established by the city for approval of such contracts.

Sec. 7. Funding. (a) All monies received by, or appropriated to, the State Fair shall be placed in the District Treasury to the credit of the State Fair Fund, which fund is hereby created.

(b) All monies in said fund are to be expended in accordance with the law for the support of the activities of the Board of Directors of the District of Columbia State Fair.

(c) All monies, goods, or services which are received by the Board of Directors shall be reported monthly to the Director of Budget and Management Services.

Sec. 8. Annual Report. (a) The Corporation shall submit an annual report to the Board which shall include a statement of its operations, receipts, and disbursements during the last preceding calendar or fiscal year, within a reasonable period of time, as designated by the Board, after the conclusion of such calendar or fiscal year. The Corporation shall also submit to the Board special reports, analyses, or information requested by the Board of Directors.

(b) The Board shall submit a report to the Council and the Mayor udring the first 30 days of each general session of the Council respecting the financial condition, present operations, and future planned activities of the fair. It may require the Corporation to furnish any information or material which is necessary to make such report.

Sec. 9. Admissions (a) The Corporation, with the advise and consent of the Board of Directors, is entitled to levy admission fees, parking fees, concession fees, entry fees, and miscellaneous charges for activities of the State Fair. Such fees are designed to substantially defray the cost of operation to the extent possible and practical.

(b) Children twelve years of age or under shall be permitted to enter the fair grounds without payment of the admission charge, on at least one day, which is designated by the Board, during each fair period.

(c) A credential admission may be issued to any individual, association, or body that:

(1) prepares or services any educational, commercial, industrial, agricultural, or horticultural, display or exhibit;

(2) services or maintains or operates any concession;'

(3) renders through agreement with the fair a service to fair patrons;

(4) renders a necessary public service;

(5) safeguards against the endangerment of health and provides for public safety;

(6) participates in any parade or event which is necessary for the conduct of the fair;

(7) represents the press, radio and television, and is personally engaged in obtaining and transmitting public information;

(8) repairs, maintains, or services fair equipment or utilities;

(9) is an employee of the fair; and

(10) is a local official in the performance of his or her duty.

(d) The words "Credential Admission" shall be printed on each ticket issued as a credential admission.

(e) The percentage of courtesy pass admissions shall not exceed four (4) percent of the gross paid admissionto the fair in the preceding calendar year. For the first year of the fair's operations, the percentage of courtesy pass admissions shall not exceed four (4) percent of the anticipated gross paid admissions, as determined by the Board of Directors.

(f) The Board of Direcors shall maintain complete records of the number of credential and courtesy pass admissions which are issued for the fair period.

(g) The annual report of the Corporation shall detail the total number of credential and courtesy pass admissions issued and honored at the fair.

Sec. 10. Nonliability of City. The District of Columbia is not liable for any premium which is awarded or any debt which is created by the Board of Directors of the District of Columbia State Fair or by the Corporation which operates said Fair.

Sec. 11. Effective Date. This act shall become law according to the provisions of section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Council of the District of Columbia
News Release

City Hall, 14th and E Streets, N.W. Fifth Floor 638-2223 or Government Code 137-3806

FOR IMMEDIATE RELEASE

January 3, 1977

HOBSON LEGISLATIVE AGENDA FOR 1977 -- STATEHOOD, CITIZEN PARTICIPATION AND COMMITMENT TO YOUTH TOP LIST

Julius W. Hobson, Councilman-at-Large introduced nine bills today as his legislative agenda for 1977. "Six of the bills were originally introduced in 1976 and three represent new initiatives," Hobson said. He urged immediate Council consideration and support.

- As the at-Large candidate representing the Statehood Party, Hobson reintroduced the District of Columbia Statehood Act which provides for a city-wide referendum on Statehood to be held concurrently with the general election (School Board) scheduled for November, 1977. The Act also outlines the process through which the District of Columbia could be admitted into the Union on an equal footing with the other States.

- The new "Youth Employment Act of 1977" is designed to stimulate action on the serious unemployment problems which confront our city's young people. The Act specifically encourages a "learner wage" for youth under 18 years of age, and a similar 26 week program for young adults (ages 18 to 22).

- "The Initiative and Referendum Act" proposes an amendment to the Home Rule Charter which permits a voter approved initiative or referendum measure to become the equivalent of an Act passed by the Council and signed by the Mayor. Following other State models (California, Washington and Oregon), the bill provides an essential opportunity for District citizens to participate directly in the governing process.

- The new "Educational Accountability Act of 1977" calls for the Board of Education to design and implement minimum standards of student competency for promotion and graduation. It is a commitment to the young people of the District of Columbia that public education can and will provide each student with the reading, writing, communication and mathematical skills to effectively compete in today's world. Through provisions of this bill, citizens and taxpayers will also know how well students are learning such "demonstrated competencies." For instance, Oregon as part of a similar accountability plan requires that graduating seniors demonstrate knowledge of a sufficient reading vocabulary to function in common community, business and social activities. Annual reports to the public are required.

(More)

- The "Non Criminal Police Surveillance Act of 1977" is designed to protect the basic rights of privacy, freedom of expression and association, and the redress of grievances. The Act establishes specific safeguards against police surveillance activities aimed at the lawful political activities of individuals and organizations in D.C. It specifically outlines the type of police intelligence activities that are illegal -- such as unauthorized wiretapping, inciting people to engage in unlawful activities or interfering with the lawful activities of individuals or organizations.

- The 1977"Returnable Beverage Container Act"(RBCA) would require a 5¢ mandatory deposit on all beverage containers sold in the District and would begin to reduce the amount of solid waste generated in the city. Maine and Michigan (a state with a largely urban population) voted in favor of a similar act in the 1976 general election and have joined Oregon and Vermont in adopting returnable beverage container legislation. The provisions of RBCA closely parallel the mandatory deposit measures of those states.

- "D.C. Clean Indoor Air Act of 1977" is designed to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas. In the 25 States with similar legislation, strong evidence exists that nonsmoker's rights laws are being strengthened nationally; nonsmokers are being protected effectively; there is a high compliance with statutes and the general public is cooperating without civil complaints. Through this legislation, the two-thirds of the adult population who do not smoke will have the right to breathe smoke-free air.

- The new "District of Columbia State Fair Act of 1977 " is designed to stimulate the planning, development and execution of a true city-state fair in the District of Columbia. D.C. citizens have never enjoyed the opportunity of demonstrating their rich legacy, talents and accomplishments. The District of Columbia, both as the capital of the United States and as a potential city-state, possesses an international heritage of social, cultural, governmental, business and religious institutions which have never been adequately showcased for the citizens of the City and for our visitors. We have a unique opportunity to explore the use of the Smithsonian's Folklife Festival site for such an Annual Fair -- this Act outlines basic planning, development and funding provisions patterned after the successful experiences of other states.

- The "Practice of Audiology and Speech Pathology Act of 1977," endorsed by the American Speech and Hearing Association and the Alexander Graham Bell Association for the Deaf, is designed to protect the health and safety of those who are cummunicatively impaired from unqualified practitioners,unscrupulous practice and unethical conduct.

Copies of each bill and a summary explanatory statement is available to individuals and organizations upon request. Please call Sandy Brown for further information on 724-8072.

Council of the District of Columbia
News Release

City Hall, 14th and E Streets, N.W. Fifth Floor 638-2223 or Government Code 137-3806

FOR IMMEDIATE RELEASE

January 3, 1977

HOBSON LEGISLATIVE AGENDA FOR 1977 -- STATEHOOD, CITIZEN PARTICIPATION AND COMMITMENT TO YOUTH TOP LIST

Julius W. Hobson, Councilman-at-Large introduced nine bills today as his legislative agenda for 1977. "Six of the bills were originally introduced in 1976 and three represent new initiatives," Hobson said. He urged immediate Council consideration and support.

- As the at-Large candidate representing the Statehood Party, Hobson reintroduced the District of Columbia Statehood Act which provides for a city-wide referendum on Statehood to be held concurrently with the general election (School Board) scheduled for November, 1977. The Act also outlines the process through which the District of Columbia could be admitted into the Union on an equal footing with the other States.

- The new "Youth Employment Act of 1977" is designed to stimulate action on the serious unemployment problems which confront our city's young people. The Act specifically encourages a "learner wage" for youth under 18 years of age, and a similar 26 week program for young adults (ages 18 to 22).

- "The Initiative and Referendum Act" proposes an amendment to the Home Rule Charter which permits a voter approved initiative or referendum measure to become the equivalent of an Act passed by the Council and signed by the Mayor. Following other State models (California, Washington and Oregon), the bill provides an essential opportunity for District citizens to participate directly in the governing process.

- The new "Educational Accountability Act of 1977" calls for the Board of Education to design and implement minimum standards of student competency for promotion and graduation. It is a commitment to the young people of the District of Columbia that public education can and will provide each student with the reading, writing, communication and mathematical skills to effectively compete in today's world. Through provisions of this bill, citizens and taxpayers will also know how well students are learning such "demonstrated competencies." For instance, Oregon as part of a similar accountability plan requires that graduating seniors demonstrate knowledge of a sufficient reading vocabulary to function in common community, business and social activities. Annual reports to the public are required.

(More)

- The "Non Criminal Police Surveillance Act of 1977" is designed to protect the basic rights of privacy, freedom of expression and association, and the redress of grievances. The Act establishes specific safeguards against police surveillance activities aimed at the lawful political activities of individuals and organizations in D.C. It specifically outlines the type of police intelligence activities that are illegal -- such as unauthorized wiretapping, inciting people to engage in unlawful activities or interfering with the lawful activities of individuals or organizations.

- The 1977"Returnable Beverage Container Act"(RBCA) would require a 5¢ mandatory deposit on all beverage containers sold in the District and would begin to reduce the amount of solid waste generated in the city. Maine and Michigan (a state with a largely urban population) voted in favor of a similar act in the 1976 general election and have joined Oregon and Vermont in adopting returnable beverage container legislation. The provisions of RBCA closely parallel the mandatory deposit measures of those states.

- "D.C. Clean Indoor Air Act of 1977" is designed to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas. In the 25 States with similar legislation, strong evidence exists that nonsmoker's rights laws are being strengthened nationally; nonsmokers are being protected effectively; there is a high compliance with statutes and the general public is cooperating without civil complaints. Through this legislation, the two-thirds of the adult population who do not smoke will have the right to breathe smoke-free air.

- The new "District of Columbia State Fair Act of 1977 " is designed to stimulate the planning, development and execution of a true city-state fair in the District of Columbia. D.C. citizens have never enjoyed the opportunity of demonstrating their rich legacy, talents and accomplishments. The District of Columbia, both as the capital of the United States and as a potential city-state, possesses an international heritage of social, cultural, governmental, business and religious institutions which have never been adequately showcased for the citizens of the City and for our visitors. We have a unique opportunity to explore the use of the Smithsonian's Folklife Festival site for such an Annual Fair -- this Act outlines basic planning, development and funding provisions patterned after the successful experiences of other states.

- The "Practice of Audiology and Speech Pathology Act of 1977," endorsed by the American Speech and Hearing Association and the Alexander Graham Bell Association for the Deaf, is designed to protect the health and safety of those who are cummunicatively impaired from unqualified practitioners,unscrupulous practice and unethical conduct.

Copies of each bill and a summary explanatory statement is available to individuals and organizations upon request. Please call Sandy Brown for further information on 724-8072.

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To Councilmembers

From Julius W. Hobson, Councilman-at-large JWH

Date January 3, 1977

Subject The District of Columbia Statehood Act of 1977

The purpose of the District of Columbia Statehood Act is to provide a process for the District of Columbia to be admitted into the Union on an equal footing with the other states.

The bill, while essentially identical in its basic provisions to the bill I introduced a year ago, incorporates the following substantive amendments:

(1) Eliminates the necessity for a special election and referendum on statehood within 120 days after effective date. Instead, the combined referendum and election of delegates to a constitutional convention would be held concurrently with the general election (School Board) scheduled for November, 1977. Accordingly, authorized funding for the statehood referendum/election is reduced from $200.000 (in original bill) to $25,000.

(2) Eliminates the requirement that delegates to the Constitutional Convention must be at least 25 years old and substitutes the requirement that such delegates must be qualified electors in the District of Columbia.

(3) Provides that nominating petitions for delegates to the convention shall be available 123 days (instead of 90) prior to the election and shall be filed with the Board of Elections 69 days (instead of 45) prior to the election.

(4) Changes the numerical composition of the Statehood Commission (created to advocate statehood) from 16 to 24 members-three per ward, no more than two of whom can be of the same party.

(5) Omits the requirement that candidates for delegate to the constitutional convention shall be "advocates for statehood".

For your convenience, following is a summary of the major provisions of the Bill:

(1) Provides for conduct of a referendum and simultaneous election of 45 delegates to a constitutional convention at the November 1977 general election. Such referendum will seek endorsement by the voters of the concept of statehood for the District of Columbia. The proposed State of Columbia would embrace the present territory of the District with the exception of a redesignated "Federal District of Columbia" to include only the Mall, the White House, and major federal monuments adjacent to the Mall or the White House grounds.

(2) In event of approval of the referendum, provides for immediate creation of:

- a "Statehood Commission" (appointed by the Constitutional Convention) to serve as advocate for statehood

- a "State and Compact Commission" (appointed by the Constitutional Convention and the federal government) to study legislative and administrative actions necessary to implement statehood and propose appropriate federal/state compacts to protect the federal interest and provide for mutual performance of services.

(3) Provides for the drafting of a constitution by the elected Constitutional Convention and the submission of such Constitution to the voters for approval or rejection. If approved, the Constitution is to be submitted to Congress for approval, along with a plea for admission to the Union. If the proposed Constitution is rejected by the voters, the Mayor is authorized to reassemble Constitutional Convention for the purpose of drafting a new constitution.

(4) Authorizes total funding of $525,000 as follows:

$25,000 - referendum/election
$250,000 - Constitutional Convention
$200,000 - Statehood Commission
$50,000 - State Compact Commission

Statehood for the District is not a radical or new concept; 50 states have been admitted previously. The present home rule with its congressional veto is not self-determination. The local government can be free only to the extent that it does not alienate either the Congress or the President. As a state the District would avoid such pitfalls and would have the final say in the management of its affairs. It would not infringe upon federal

perogatives since a federal enclave is clearly spelled out in the bill and the United States Government would maintain its control over that federal area. Unlike a constitutional amendment, which would grant D.C. national representation in Congress, statehood could not be revoked. It would, by a simple majority vote of Congress, permit the District of Columbia with its three-quarter million residents, to join the Union as a sovereign state with full rights and representation and avoid the cumbersome and lengthy process of ratification which a constitutional amendment would require.

Changes in our local government that take place under the present home rule structure are only colonial reforms. Half freedom is half slavery, and we should not accept it. Partial self-governmen is no answer. Equality is not divisible.

Statehood for the District of Columbia, would not guarantee a successful future; it would only make it possible.

I urge your support,

Julius W. Hobson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilman Julius W. Hobson introduced the following bill which was referred to the Committee

To authorize and direct the Board of Elections and Ethics to conduct an election for the purpose of a referendum on the question of statehood for the residents of the District, election of delegates to a constitutional convention, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Statehood Act".

Sec. 2. The purpose of this act is to provide a process for that portion of the territory now known as the District of Columbia, as specified below, to be admitted in the Union on an equal footing with the other states. A Convention shall be held for the purposes of forming a constitution and otherwise preparing for such admission as a state and the acts of said Convention shall be submitted for ratification by the people, as provided for in this act.

Sec. 3. For the purpose of this act, the Board of Elections and Ethics is authorized and directed to conduct for the residents of the present District of Columbia,

concurrent with the general election in November, 1977, an election which shall present to the duly qualified electors of the District of Columbia the following proposition for adoption or rejection, as well as a ballot pursuant to which such electors may elect, contingent upon the approval of such proposition by a majority of the legal votes cast therefore in such election, delegates to represent such electors at a constitutional convention:

"Shall that portion, as specified below, of the territory now known as the District of Columbia be admitted to the Union as a State, to be known as the State of Columbia? It is to be understood that the territory encompassed by the boundaries of the State of Columbia shall be the same boundaries as the boundaries of the District of Columbia, as presently constituted, except that a strip of land bounded by the Supreme Court and Library of Congress, the north side of Independence Avenue excluding the Department of Agriculture, 15th Street Southwest, the Tidal Basin and Jefferson Memorial, West Potomac Park, and Constitution Avenue, but to include the White House, Lafayette Square, the Executive Office Buildings, and the Capitol grounds and office buildings, shall be excluded from the State of Columbia and that hereafter this strip of land shall be known as the 'Federal District of Columbia'."

Sec. 4. In the event that the proposition specified in the first section of this act is adopted by a majority of the legal votes cast in the referendum, and upon subsequent approval by the electors of the petitioning State of Columbia of the constitution for the State of Columbia, and upon approval by the Congress of the constitution for the State of Columbia and its plea for admission as a State in the Union, such State shall be admitted to the Union on an equal footing with the other States and shall enjoy the same rights and privileges as all the other States.

Sec. 5. (a) Upon the approval of the proposition referred to in the first section of this act, the Mayor of the District of Columbia shall call a constitutional convention. The convention shall write a constitution for the State of Columbia which shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

(b) Upon completion of the writing of such constitution, the Mayor is authorized to take whatever steps are appropriate and necessary to submit such constitution to the electors of the proposed State of Columbia for adoption or rejection. In the event such constitution is adopted by a majority of the legal votes cast in this referendum, the constitution for the State of Columbia shall be submitted to

the Congress of the United States along with a plea for admission as a State of the Union.

(c) If a majority of the votes cast at said election shall reject the constitution, the Mayor shall by proclamation, order the constitutional convention to reassemble at a date not later than twenty (20) days after the receipt by the Mayor of the documents showing the rejection of the constitution by the people, and thereafter a new constitution shall be framed and the same proceedings shall be taken in regard thereto in like manner as if said constitution were being originally prepared for submission and submitted to the people.

Sec. 6. (a) The constitutional convention authorized by this ach shall consist of Forty-five delegates selected in the following manner: five delegates elected at large; five delegates elected in each of the eight election wards.

(b) The elected delegates to the constitutional convention shall be qualified electors in the District of Columbia.

(c) Candidates for at-large delegates to the constitutional convention shall submit to the Board of Elections for certification, a nonpartisan nominating petition which shall contain at least 200 signatures of qualified electors such that there will be at least twenty-five certified signatures from each of the eight election

wards. Candidates for the ward delegate positions shall submit to the Board of Elections for certification, a nonpartisan nominating petition which shall contain the signatures of at least fifty registered electors from the election ward in which the delegate-candidate will be nominated. The Board of Elections shall certify and validate that each candidate has obtained the required number of valid signatures for nomination. Nominating petitions for all candidates shall be available one hundred twenty three days prior to the election, and shall be filed with the Board of Elections prior to sixty nine days to the election. The Board of Elections shall certify that the candidates have been qualified for nomination within ten days following the submission of the nominating petition.

(d) The nominating petitions, ballots, or voting machines, if they are to be used, shall show no party affiliation, emblem, or slogan.

(e) To be elected as delegate to the constitutional convention, a candidate shall receive a plurality of the legal votes cast in the election for that position to which the candidate aspires.

(f) Each of the elected delegates as authorized by subsection (a) of this section, shall be entitled to receive $20.00 per diem when engaged in the performance of the duties of the constitutional convention,

except that a delegate who is also an officer or employee of the United States or District of Columbia shall not be entitled to receive such per diem for any day for which he is compensated by the United States or District of Columbia for his services as such officer or employee.

(g) The constitutional convention, held for the purpose of forming a constitution and otherwise preparing for the admission of the District of Columbia as a state, shall have the power to

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as it deems necessary.

(2) procure temporary and intermittent services at rates not to exceed $100 a day for individuals.

(h) The District of Columbia government shall furnish such space and facilities in public buildings in the District as the constitutional convention may reasonably request, and shall provide the constitutional convention with such records, information, and other services as may be required by the constitutional convention for carrying out its function. In the event that public buildings of adequate size and convenience are not available, the constitutional convention may lease private facilities.

(i) Hearings of the constitutional convention shall be open to the public and shall be held at reasonable

hours and at such places as to accommodate a reasonable number of spectators. Meetings of the constitutional convention shall likewise be open to the public and shall to an extent reasonable be made known to the public and held in such places to accommodate the public. Notices of hearings, meetings, and the transactions of the constitutional convention shall be published in each of the daily newspapers of general circulation in the District of Columbia.

(j) There is hereby authorized an appropriation from the general fund of the District of Columbia a sum not in excess of $250,000 to the constitutional convention for such expenses as it may have in carrying out its duties and responsibilities under this act.

(k) There is hereby authorized an appropriation from the general fund of the District of Columbia the sum of $25,000 for any supplemental expenses of the Board of Elections in carrying out the election and referendums authorized in sections 3 and 5(b) of this act, and in otherwise carrying out the provisions of this act.

Sec. 7. (a) Subject to the approval of the proposition specified in the third section of this act. There is hereby created a commission to be known as the "Statehood Commission", which shall consist of [redacted] 24 members,

three appointed from each of the eight (8) election wards of the District of Columbia, no more than two from each ward shall be of the same political party. The members of the Commission shall be appointed initially by the constitutional convention and vacancies shall be filled in the manner which appointments are made to the Board of Elections. Half of the initial appointments, drawn by lot, shall be for two-year terms. The other appointments shall be for four-year terms; all appointments thereafter shall be for a term of four years commencing from the date of expiration of the preceding term. All members shall be individuals who have been known supporters of statehood for the District of Columbia. The Commission shall establish regular meetings; other meetings shall be held at the call of the chairperson or eight (8) members of the Commission. The chairperson of the Commission shall be selected by the members of the Commission.

(b) It shall be the duty of the Statehood Commission to: (1) Actively support and press the movement for statehood for the District of Columbia; represent the the District of Columbia; represent the District in connection with federal legislation regarding statehood;

(2) Assemble, compile, and in its discretion, publish information intended to: (a) support the admission of the statehood; (b) until such admission is granted, advocate and support the rights and claims of the District and its inhabitants to treatment or usage the same as, or equal to, that received by the several states of the United States from the federal government; (c) oppose and attempt to defeat or prevent federal and state legislation discriminatory against the District and its inhabitants.

(3) To appoint an executive officer and such assistants as it deems necessary for the effectuation of its purposes and to contract for services deemed necessary or advisable to better effectuate its poweres and duties on such terms and conditions and for such compensation as the Commission may see fit.

(4) To prepare and submit annually tc the Council and the Mayor, a report which shall account for the disbursement of funds allocated to the Commission, as well as, report on the progress made within the past year of advancing toward statehood as provided by various sections of this act.

(c) There is hereby authorized an appropriation from the general fund of the District of Columbia the sum of

$200,000 to the Statehood Commission for such expenses as it may have in carrying out its duties and responsibilities under this act.

Sec. 8. (a) Subject to the approval of the proposition specified in the first section of this act, there is hereby authorized the establishment of a commission to the Constitutional Convention to be known as the "State Compact Commission," which shall consist of members of the Statehood Commission as may be deemed necessary by the convention, as well as, an equal number of members representing the federal government as may be authorized by the President and the Congress of the United States.

(b) It shall be the duty of the State Compact Commission:

(1) To conduct a full and complete study of the necessary and appropriate legislative or administrative actions that must be taken in order to facilitate the transfer of authority and functions over that portion of the present District of Columbia which is to become the new state, as specified in Sec. 3(a) of this act, from the

federal government to the government of the new state.

(2) To give special consideration to the relationship that should be developed between the new state and the federal government with respect to securing and maintaining any special federal interest in the new state and with respect to continued and cordial relations between the federal government and the government of the new state and to propose any necessary compact agreements to insure this interest as well as any services which are necessary or advisable for one governmental body to perform for the benefit of the other.

(3) As soon as is practicable, and in no case later than one hundred and eight (180) days after the establishment of the State Compact Commission, to submit to the constitutional convention its recommendations, based on findings arrived at as a result of its study, for the appropriate measures it deems necessary to complete the transfer of authority and functions as specified in (1) of this section, and

(4) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission deems advisable

for the purposes of carrying out its responsibilities under this act. 4.32

(c) To prepare and submit to the Council and the Mayor, a report which shall account for the disbursement of funds allocated to the State Compact Commission. 4.33 4.34

(d) There is hereby authorized an appropriation from the general fund of the District of Columbia the sum of $50,000 to the State Compact Commission for such expenses as it may have in carrying out its duties and responsibilities under this act. 4.35 4.36

Sec. 9. If any section or provision of this act is held to be unconstitutional or invalid, such constitutionality or invality shall not affect the remaining sections or provisions of this act.

Sec. 10. This act shall take effect at the end of the 30 day period provided for Congressional review of the acts of the Council in Section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To Councilmembers

From Julius W. Hobson, Councilman-at-Large JWH

Date January 3, 1977

Subject Introduction of the "Practice of Audiology and Speech Pathology Act of 1977"

I have introduced the "Practice of Audiology and Speech Pathology Act of 1977." The act would provide a regulatory authority over persons who offer services to people with speech and hearing disabilities. The bill, endorsed by the American Speech and Hearing Association and the Alexander Graham Bell Association for the Deaf, is designed to protect the health and safety of those who are communicatively impaired from unqualified practioners unscrupulous practice and unethical conduct.

BACKGROUND

A similar version of this bill was introduced in Congress in 1974, but was not acted upon because Home Rule was scheduled to take effect in 1975. Congress felt it was more appropriate for the new government to consider the matter legislatively. On April 15, 1976, I introduced the "Practice of Audiology and Speech Pathology Act of 1976" (B1-274) which was referred to the Committee on Public Service and Consumer Affairs. No public hearings were held and the Committee was unable to report the bill out for Council consideration. Consequently, the legislation died with the close of the Council's first legislative period.

SUMMARY OF PROVISIONS

The legislation:

- Defines audiologist as any person who treats persons with hearing disabilities and assists them in the selection of prosthetic devices (such as hearing aids) for human communication.
- Defines speech pathologist as any person who treats persons who suffer from speech, voice, or language disabilities and assists them in the selection of prosthetic devices for human communication.

- Establishes a Board of Examiners in Audiology and Speech Pathology. Their duties would include: (1) setting ethical and professional standards for practice, (2) reviewing applications of persons seeking licensure for the practice of Audiology and/or Speech Pathology in the District, (3) preparing and administering examinations for license applicants, and (4) investigating alleged unprofessional and unethical conduct on part of practicing Audiologists and Speech Pathologists and taking appropriate sanctions.

- Sets general eligibility standards such as education, experience, and passage of an examination prepared by the Board for licensure as an Audiologists and/or Speech Pathologist.

THE NEED

The need to create a regulatory law in the District of Columbia is related to:

1. The steady increase of speech and/or hearing tests given by untrained individuals. Nationally there are approximately 20 million people who suffer either hearing or speech disorders that require some form of specialized treatment. In the District alone there are about 75,000 people with hearing or speech disorders. Currently there is no regulatory authority in D.C. to insure that these people are receiving adequate service.

2. The general state of confusion in the minds of the public and other professions as to who is qualified to practice.

3. No existing legal means of enforcing professional standards and ethical code and hence no effective platform from which to represent the audiology and speech pathology profession to government, other professions, third-party insurance carriers, and the public.

OVERVIEW

The standards set in this bill for licensure are set at a level similar to those required to obtain a degree in speech pathology and audiology at any college or university in the United States and would therefore not restrict either manpower utilization or manpower mobility. The bill is also drafted in such a way so as not to deny any present speech pathologist or audiologist his /her right to work.

The Practice of Audiology and Speech Pathology Act of 1976 is fully in line with 28 other such bills enacted by other states throughout the country (including Maryland and Virginia) and is supportive of nationally recognized standards for the audiology and speech pathology professions.

QUESTIONS AND ANSWERS ABOUT THE PRACTICE OF AUDIOLOGY AND SPEECH PATHOLOGY ACT OF 1977

Q. Who would be licensed?

A. The legislation would apply to speech pathologists (individuals who treat persons with speech, language or voice disabilities) and audiologists (individuals who treat persons with hearing disabilities) in all job settings except the public schools and federal agencies.

Q. Why is licensure and regulation needed?

A. The need is related to: (1) the steady increase of speech and/or hearing tests and therapy given by untrained and unskilled individuals, (2) the lack of legal means to insure that audiologists and speech pathologists perform their functions in a professional and ethical manner, and (3) the general state of confusion as to who is qualified to practice and who is not.

Q. Will the legislation restrict the number of people entering the profession?

A. No. The standards for licensure are set at a level similar to those required to obtain a degree in speech pathology and audiology at any accredited college or university in the United States. The bill would not restrict the number of qualified people entering the profession or their mobility.

Q. Will the license deny anyone the right of a livelihood?

A. No. The bill has a "grandfather clause" and would therefore not deny any present speech pathologist or audiologist his/her right to work.

Q. How much will it cost the taxpayer to administer the provisions of this act?

A. The experience of the 28 states which now have licensure is that the annual fee, both for applications and licenses, range from $25.00 to $85.00. This would more than cover the costs of administration. The creation of a licensing body for audiologists and speech pathologists would, in all likelihood, produce revenue for the District of Columbia.

Julius W. Hobson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Julius W. Hobson introduced the following bill which was referred to the Committee on _____.

To regulate the practice of audiology and speech pathology in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Practice of Audiology and Speech Pathology Act of 1977".

Sec. 2. It is declared to be a policy of the District of Columbia that, in order to safeguard the public health, safety, and welfare; to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the part of qualified audiologists and speech pathologists; and to help assure the availability of the highest possible quality audiology and speech pathology services to the communicatively handicapped people in the District of Columbia, it is necessary to provide regulatory authority over persons offering audiology and speech pathology services to the public.

Sec. 3. As used in this Act --].36

(a) "Mayor" means the Mayor of the District of].38
Columbia.

(b) "Board" means the Board of Examiners on].40
Audiology and Speech Pathology in the District of Columbia,
established under Sec. 7 of this Act.].4]

(c) "Person" means any individual, organization,].43
or corporate body, except that only an individual may be
licensed under this Act.].44

(d) "Accredited college or university" means any].46
college or university offering a graduate program in
audiology and/or speech pathology accredited by the].47
Education and Training Board of the American Boards of
Examiners in Speech Pathology and Audiology, or which, in].48
the Board's determination, meets equivalent requirements for].49
accreditation. Accreditation may be for the training of
audiologists, or speech pathologists, or both.

(e) "The practice of audiology and speech 2.]
pathology" means the rendering of or offering to render to
the public any service involving the application of 2.2
principles, methods and procedures of measurement,
prediction, evaluation, testing, counseling, consultation, 2.3
instruction, habilitation, and rehabilitation related to the
acquisition, development, and disorders of speech, voice 2.4

language, and hearing for the purpose of modifying speech, voice, language or hearing.

(f) "Audiologist" means any person who examines, tests, evaluates, treats, counsels, habilitates, or rehabilitates persons suffering or suspected of suffering from disorders or conditions affecting hearing, or assists persons in the selection and application of prosthetic devices for human communication. A person is deemed to be an audiologist if he or she offers such services to the public under any title incorporating the terms "audiology," "audiologist," "audiological," hearing clinic," "hearing clinician," "hearing therapy," "hearing therapist," or any similar title or description of service; and if he or she meets the requirements of Sec. 9 of this Act.

(g) "Speech pathologist" means any person who examines, evaluates, treats, counsels, habilitates, or rehabilitates persons suffering or suspected of suffering from disorders or conditions affecting speech, voice, or language, or assists persons in the selection and application of prosthetic devices for human communication. A person is deemed to be a speech pathologist if he or she offers such services to the public under any title or description of service; and if he or she meets the requirements of Sec. 9 of this Act.

(h) "Association" means the District of Columbia Speech and Hearing Association.

(i) "ASHA" means the American Speech and Hearing Association.

Sec. 4. All persons licensed under this Act shall assist their clients in obtaining professional help for all relevant aspects of the clients' problems that fall outside of the boundaries of the audiologist's or speech pathologists competence. In instances where an educational, medical, psychological, or other problem is involved, no persons licensed under this Act shall administer or prescribe drugs or perform surgery unless he or she is also properly licensed to perform these functions under the laws of the District of Columbia.

Sec. 5. (a) Licensure shall be granted either in Audiology or Speech Pathology independently. A person may be licensed in both areas if he or she meets the respective qualifications.

(b) No person shall practice or represent himself or herself as an Audiologist or a Speech Pathologist in the District of Columbia unless he is licensed in accordance with the provisions of this Act.

Sec. 6. Nothing in this Act shall be construed as preventing or restricting --

(a) a hearing aid dealer from engaging in the business of fitting and selling hearing aids;

(b) any person licensed in the District of Columbia by any other law from engaging in the profession or occupation for which he or she is licensed; provided that such person is not held out to the public by title or description incorportating any of the descriptions or titles name in Sec. 3(f) or (g); or

(c) any person from being employed as an Audiologist or a Speech Pathologist by the Board of Education of the District of Columbia, if such person performs audiology or speech pathology services solely within the confines or under the jurisdiction of the organization by which he or she is employed. Such person may additionally elect to be subject to this Act.

(d) The activities and services of persons pursuing a course of study leading to a degree in speech pathology at a college or university, if such activities and services constitute a part of a supervised course of study and that such person is designated as speech pathology intern, speech pathology trainee, or by any other such titles clearly indicating the training status appropriate to his or her level of training; or

(e) the activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university, if such activities and services constitute a part of a supervised course of study and that such person is designated as an audiology intern, audiology trainee, or by other such titles clearly indicating the training status appropriate to his or her level of training; or

(f) the activities of a person not licensed as an audiologist and/or speech pathologist under the provisions of this Act, but employed by a licensed Audiologist or Speech Pathologist to assist in the performance of services in Audiology and/or Speech Pathology and other services, if such person works under the direct supervision of the licensed Audiologist or Speech Pathologist who assumes full responsibility for his or her acts, and if such person is not in any manner held out to the public as an Audiologist and/or Speech Pathologist; or

(g) the performance of Audiology or Speech Pathology services in the District of Columbia by any person not a resident of the District of Columbia who is not licensed under this Act, if such services are performed for no more than five days in any calendar year and in cooperation with an Audiologist or Speech Pathologist

licensed under this Act, and if such person meets the qualifications and requirements for application for licensure described in Subsections (a), (b) and (c) of Sec. 9 of this Act. However, a person not a resident of the District of Columbia who is not licensed under this Act, but who is licensed under the law of another State which has established licensure requirements at least equivalent to those established by Sec. 9 of this Act, or who is the holder of the ASHA Certificate of Clinical Competence in Audiology or Speech Pathology, may offer Audiology or Speech Pathology services in the District of Columbia for no more than 30 days in any calendar year, if such services are performed in cooperation with Audiologists or Speech Pathologists licensed under this Act.

Sec. 7. The Mayor shall appoint with the advice and consent of the Council of the District of Columbia a Board of Examiners in Audiology and Speech Pathology.

(a) The Board shall be composed of five members, citizens of the United States, and residents of the District of Columbia, who shall be appointed by the Mayor from names submitted to the Mayor by the Association, who shall be currently engaged in rendering clinical services to the public in Audiology or Speech Pathology in the District of Columbia. At least two Board members shall be Audiologists

and at least two shall be Speech Pathologists, with the fifth member being either an Audiologist or a Speech Pathologist. The initial appointees shall be Audiologists and/or Speech Pathologists eligible for licensure under the provisions of this Act. Subsequent appointees shall be persons licensed under the provisions of this Act.

(b) The Mayor shall, within 60 days following the enactment of this Act, appoint two Board members for a term of one year; two for a term of two years; and one for a term of three years. Appointments made thereafter shall be for three year terms, with no persons eligible to serve more than two full consecutive terms. Terms shall begin on the first day of the calendar year and end the last day of the calendar year, except for the first appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this Subsection.

(c) Within 30 days after the date of enactment of this Act, the Association shall recommend at least three and not more than five persons for each of the five Board positions created by Subsection (a) of this Section. Not less than 60 days before the end of the Board's first full calendar year of existence and, thereafter, not less than 60 days before the end of each calendar year, the Association

shall recommend at least 3 and not more than 5 persons for each vacancy occurring at the end of the calendar year. The Mayor shall make appointments in accordance with Subsection (b) of this Section from the persons so nominated. In the event of a mid-term vacancy, the Association shall, as soon as practicable, recommend at least two and not more than three persons to fill that vacancy and the Commissioner shall, as soon thereafter as practicable, appoint one of these persons, who shall fill the unexpired term.

(d) The Board shall meet during the first month of each calendar year to select a Chairman and for other appropriate purposes. At least one additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the Chairman or the written request of any two Board members.

(e) Three members of the Board shall constitute a quorum for all purposes, but in no instance shall a meeting of three Board members who are exclusively Audiologists or exclusively Speech Pathologists be considered.

Sec. 8. (a) The Board shall adopt rules and regulations relating to professional conduct commensurate with the policy of this Act, including but not limited to regulations which establish ethical standards of practice, and for other purposes, and may amend or repeal the same.

Following their adoption, such rules and regulations shall govern and control the professional conducet of every person who holds the license to practice Audiology or Speech Pathology in the District of Columbia.

(b) The Board shall be responsible for reviewing the applications of persons seeking licensure for the practice of Audiology and/or Speech Pathology in the District of Columbia, for the granting and renewal of such licenses, for the preparation and administration of examinations and for other professional matters related to the purposes of this Act.

(c) The Board shall maintain: (1) a record of licenses granted and refused and of licenses revoked or suspended which records shall be available to the public; and (2) a complete record of all hearings conducted pursuant to Sec. 15(b) in connection with the denial, suspension, or revocation of a license. A transcript of an entry in a record of hearing properly certified shall be prima facie evidence of the facts therein stated.

(d) Board members shall receive no compensation for the services but shall receive per diem and travel expenses as shall be deemed appropriate by the Mayor.

Sec. 9. The Board shall grant licenses to practice Audiology and/or Speech Pathology to each applicant who submits satisfactory proof that

(a) he or she is of good moral character; and

(b) he or she posses at least a master's degree or its equivalent in the area of Audiology or Speech Pathology, as the case may be, from an accredited college or university; and

(c) he or she has met all requirements for the Certificate of Clinical Competence in Audiology or in Speech Pathology issued by the ASHA, or, in the Board's determination, meets equivalent requirements.

Sec. 10. (a) Within one year from and after the effective date of this Act, the Board shall waive the examination and educational requirement and grant a license to any applicant who is of good moral character; who holds a bacculaureate or graduate degree with a minimum of 30 credit hours of course work in speech pathology or audiology; who is living or working in the District of Columbia and who has been actively engaged in the practice of audiology or speech pathology for a period of two years within five years immediately preceding application and who presents proof of bona fide practice to the Board in a manner prescribed by

regulations promulgated by the Board; and who has submitted an application.

(b) The Board shall waive the examination for an applicant who presents proof of current licensure in a state which has standards equivalent to those of the District of Columbia.

Sec. 11. The Board may issue to any person, who has applied to take an examination in lieu of presenting the Certificate of Clinical Competence issued by the ASHA, a temporary permit to practice Audiology and/or Speech Pathology in the District of Columbia. Such permit shall be issued only once to any person, and shall expire within 8 weeks after the conclusion of the next examination given after the date of issue of said permit.

Sec. 12. Within three years the Board shall, by appropriate regulation, require continuing professional education of persons subject to this Act.

Sec. 13. (a) The Board is authorized to fix, increase, or decrease from time to time fees to be charged in such amount as may be reasonably necessary to defray the approximate cost of administering the provisions of the Act.

(b) All money payable under the provision of this Act shall be paid to the District of Columbia Treasurer and be, by him or her, deposited as a special fund to the credit

of the Commission. The Commission shall pay from such fund all the expenses of carrying this Act into effect, except such as may be incident to criminal prosecutions and to supervision and investigation with the view to criminal prosecution.

Sec. 14. Every person licensed to practice Audiology and/or Speech Pathology who desires to continue the practice of Audiology and/or Speech Pathology shall annually pay the required fee for which there will be issued a renewal of licensure. The Board shall provide a written reminder of the renewal date to every person licensed under this Act, which reminder shall be mailed at least one month in advance of such date. A license not properly renewed as herein provided shall lapse. The Board shall have the right to reinstate a lapsed license upon payment of the renewal fee plus a penalty fee. An Audiologist and/or Speech Pathologist who wishes to place his or her license upon an inactive status may do so by submitting notice thereof to the Board. Such an Audiologist and/or Speech Pathologist may reactivate his or her license by payment of the renewal fee herein required unless his or her license has been inactive for a period exceeding five years, in which case he or she will be required to furnish the Board evidence of his

or her competence to continue or resume the practice of Audiology and/or Speech Pathology.

Sec. 15. The Board may refuse to issue or renew a license, or may suspend or revoke a license where the licensee or the applicant for the license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct may result from

(b) obtaining or attempting to obtain a license by means of fraud, misrepresentation, or concealment of material facts; or

(c) being guilty of unprofessional conduct as defined by the rules established by the Board, or violating any codes of ethics adopted and published by the Board; or

(d) violating any lawful order, rule, or regulation rendered or adopted by the Board; or

(e) violating any provision of this Act.

Sec. 16. (a) Proceedings leading toward the suspension or revocation of a license shall be begun by petition, setting forth good cause therefore, filed with the Board and served on the respondent. The Board may determine whether a license shall be suspended or revoked, and if it is to be suspended, the duration of such suspension and the conditions under which such suspension shall terminate. One

year from the date of revocation of the license under this Section, application may be made to the Board for reinstatement. The Board shall have discretion to accept or reject any application for reinstatement and may require an examination for such reinstatement.

(b) Before the revoking suspending, or refusing to issue a license for any cause under provisions of this Act, the Board shall give the person whose right to practice Audiology and/or Speech Pathology is challenged, and opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. After such hearing, should the Board decide to refuse, revoke, or suspend licensure, it shall set forth in writing its reasons for so doing, and shall include detailed findings of fact.

(c) Any person aggrieved by a decision of the Board under Subsection (b) of this Section may, within thirty days of receiving notice thereof, seek review of said decision in the District of Columbia Court of Appeals for the District of Columbia Circuit.

(d) In hearings conducted pursuant to Subsection (b) of this section, the attendance and testmony of witnesses may be compelled by subpoena. Any person refusing to respond to such a subpoena shall be guilty of contempt of court.

Sec. 17. Any person who shall practice Audiology and/or Speech Pathology, as defined in this Act, without having a valid unexpired, unrevoked, and unsuspended license issued as provided in this Act, shall be deemed guilty of a misdeameanor and, upon conviction, shall be fined not more than $500, or confined in jail for not more than six months, or both. Prosecutions shall be in the name of the District of Columbia by the Corporation Counsel for the District of Columbia, upon a finding that the person sought to be enjointed has committed a violation of the provision of this Act. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of Audiology and/or Speech Pathology, the court shall enjoin him or her from so practicing unless and until he or she has been duly licensed. The remedy by injunction herein given may be imposed in addition to, or in lieu of, criminal prosecution and punishment as provided in Section 16 of this Act.

Sec. 18. It shall be the duty of the Mayor of the District of Columbia to enforce the provisions of this Act.

Sec. 19. There is hereby authorized to be appropriated out of the revenue of the District of Columbia such sums as

may be necessary to pay the expenses of administering and carrying out the purposes of this Act.

Sec. 20. Nothing contained in this Act shall be construed to prevent or impair the administration or enforcement of any other provision of the laws of the District of Columbia.

Sec. 21. If any part of this Act is, for any reason, held unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of the Act; and it shall be construed to have been the legislative intent to pass this without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Act, after the exclusion of such part or parts, shall be valid as if such parts were not contained therein.

Sec. 22. This Act shall take effect as provided for Acts of the Council of the District of Columbia in Section 602(c) of this District of Columbia Self-Government and Governmental Reorganization Act.

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To Councilmembers

From Julius W. Hobson, Councilman-at-Large

Date January 3, 1977

Subject D.C. Clean Indoor Air Act

Basically, it's a question of rights. Does the nonsmoker's right to breathe smoke-free air take precedence over the smoker's privilege to enjoy a habit that is harmful to his health as well as to that of the nonsmoker limited to a smokey area? Running noses, scratchy throats, and watering eyes are the least of the symptoms suffered by the nonsmokers; there is also medical evidence that parental smoking can aggravate respiratory problems in children.

The two-thirds of the adult population who do not indulge are organizing as a silent smoldering majority to restrain those who do. There are two nonsmokers rights groups working by lobbying and dispensing information as well as being strong supporters of this legislation: Group Against Smoker's Pollution (GASP P.O. Box 632, College Park, Maryland 20740 and Action on Smoking and Health (ASH) P.O. Box 19556, Washington, D.C. 20006.

To respond to and further support the call for nonsmoker's rights, I am reintroducing the D.C. Clean Indoor Air Act on January 3, 1977 to regulate smoking in public places and at public meetings.

The bill I introduced a year ago failed to reach the City Council for a vote because it was never considered by the Transportation and Environmental Affairs Committee of the Council, chaired by Rev. Jerry Moore.

Since the bill was originally introduced there have been public hearings which displayed overwhelming and broad-based public support for this legislation. I have also received correspondence from the State Governors and health officials where similar legislation exists (approximately 1/2 of the United States). There are some common thoughts in most of their letters to me: nonsmoker's rights laws are being strengthened nationally; nonsmokers are being protected effectively; high compliance with statutes; cooperation of general public without civil complaints.

In short, the legal confusion, fist-fights and negative economic reactions that have been predicted should this bill become law are not born out by the experiences of other states.

The dangers of smoking to health have been documented for years by the Report of the U.S. Surgeon General on The Health Consequences of Smoking. The dangers of second-hand smoke for nonsmokers were set forth for the first time in the U.S. Surgeon-General's Report in 1972. Additional incriminating evidence has surfaced since then.

Nonsmokers who breathe others' second-hand smoke are subjected to the same hazardous compounds as the smoker, including: carbon monoxide, tar, nicotine, hydrogen cyanide, DDT, ammonia, formaldehyde, nitrogen dioxide, hydrogen sulphide, cadmium, benezene, and dozens of others.

Although the actual amounts of smoke inhaled by a nonsmoker is obviously less than by the smoker, the nonsmoker is subjected to smoke from the lighted end of the cigarette as well as the smoke exhaled by the smoker. At least 2/3 of the smoke from a burning cigarette goes into the air. The average smoker inhales and exhales eight or nine times on each cigarette, for a total of 24 seconds. But the cigarette burns continously for 12 minutes.

An estimated 30 million Americans (and an estimated 85,000 in D.C. alone) have pre-existing conditions which are seriously aggravated by tobacco smoke. These include people with emphysema, asthma, bronchitis, sinusitis, hay fever, and other chronic lung diseases.

Based in part on fire and safety precautions and in part on a concern for nonsmokers the District has already limited smoking in large retail stores and elevators. The public transit system, Metro, has also prohibited smoking. The climate of public opinion on smoking is changing. No longer can smokers expect to go unchallenged and more and more smokers are either refraining entirely in public places or asking, "Do you mind if I smoke?"

I ask for your support in urging the Transportation and Environmental Committee of the Council to treat this bill as a priority in 1977.

Julius W. Hobson

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DISTRICT OF COLUMBIA

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Julius W. Hobson introduces the following bill which was referred to the Committee on _____.

To regulate smoking in public places and at public meetings and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Clean Indoor Air Act".

Sec. 2. The purpose of this act is to protect the public health, comfort, and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas.

Sec. 3. For the purpose of this act --

(a) The term "public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to restaurants, retail stores, offices and other commercial establishments, public

conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though offices may be visited by non-smokers.

(b) The term "public meeting" includes all meetings open to the public having no membership restraints.

(c) The term "smoking" includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

Sec. 4. No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to factories, warehouses and similar places of work not usually frequented by the general public, except the Director of the Environmental Health Administration shall, in consultation with the Director of Public Health, establishe rules to restrict or prohibit smoking in those places of work where the close proximity of workers or the inadequacy of

ventilation causes smoke pollution detrimental to the health and comfort of non-smoking employees.

Sec. 5. Smoking areas may be designated by proprietors or other persons in charge of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent non-smoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

Sec. 6. The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in the public place by --

(a) posting appropriate signs;

(b) arranging seating to provide a smoke-free area;

(c) asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke; or

(d) any other means which may be appropriate.

Sec. 7. (a) The Director of Public Health shall adopt rules and regulations necessary and reasonable to impliment the provisions of this act, except as provided for in section 4. The Director of Public Health may, upon request, waive the provisions of this act if it determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of non-smokers.

(b) Any person who violates section 4 is guilty of a petty misdemeanor.

(c) The Director of Public Health or any affected party may institute an action in any court with jurisdiction to enjoin repeated violation of section 6 of this act.

Sec. 8. If any provision of this act, or any section, clause phrase, or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of the act and the application of any such provision section, clause or word shall not be affected.

Sec. 9. This act shall take effect as provided for an act of the Council of the District of Columbia in Section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To All Councilmembers

From Julius W. Hobson, Councilman at-Large JWH

Date January 3, 1977

Subject Introduction of the Returnable Beverage Container Act

Today I am introducing the Returnable Beverage Container Act of 1977. The bill would require a 5¢ mandatory deposit on all beverage containers sold in the District and would begin reduce the amount of solid waste generated in the City.

BACKGROUND

I introduced similar legislation supporting returnable beverage containers during the previous Council period on March 11, 1975 in an effort to reduce waste, increase employment conserve energy and save money for District taxpayers (see appendix). The Returnable Beverage Container Act (Bill 1-43) was cosponsored by Councilmember Polly Shackleton and supported by a wide variety of citizen and community groups such as Environmental Action, the Federation of Civic Associations, Adams Morgan Association, D.C. Public Interest Research Group (PIRG) and the Brookland Civic Association to name but a few. The Council defeated that measure on February 24, 1976 by a vote of 8 to 5. (Voting against were: Tucker, Barry, Hardy, Dixon, Spaulding, Winter, Wilson and D. Moore; voting in favor were: Hobson, Shackleton, J. Moore, and Coates.)

Because of continued citizen interest and an increasing need to reduce the amount of solid waste created by the City, I am introducing the Returnable Beverage Container Act of 1977 (RBCA) at the start of the new Council Period.

Within the past year Maine and Michigan (a state with a large urban population) voted in favor of similar legislation in the November 1976 general election and have joined Oregon and Vermont in adopting returnable beverage container legislation. The provisions of the Returnable Beverage Container Act which I am introducing closely parallel the mandatory deposit measures of those states.

PURPOSE

Passage of RBCA would be instrumental in:

- Establishing a "conservation ethic" in the Nation's

Capital in the face of dwindling resources and energy supplies.

- Adding significantly to increasing the employment opportunities of our young unemployed*(through the addition of an estimated 200-300 jobs)
- Reducing significantly the amount of solid waste now being generated in the District.
- Providing incentives to reduce litter.
- Protecting the public's health and safety by banning "pop top" cans and reducing the number of breakable no return bottles.

SUMMARY OF PROVISIONS

Essential elements of RBCA would:

1. Apply to beer and other malt beverages, soda water and carbonated soft drinks.
2. Require a minimum refund value of five cents on all beverage containers.
3. Require dealers and distributors to accept beverage containers for refund at the place and sale of delivery.
4. Require that each non-refillable beverage container sold in the District to state its refund value and to indicate that it was sold within the District of Columbia.
5. Provide for a $300 fine for each instance of non compliance.
6. Ban "pop top" cans.
7. Provide for citizen suits.
8. Provide for an education and publicity program.
9. Take effect on June 1, 1978 and not depend upon enactment of similar legislation by the surrounding jurisdictions.

OVERVIEW

The Council again has the opportunity to enact a progressive and far reaching piece of legislation which places a premium on the environment and the quality of life for the residents of the District. The Returnable Beverage Container Act is an important

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*Currently estimated at 22 % for people under 25 (based on the number of people who have applied for unemployment compensation)

and urgent piece of legislation which begins to address the City's chronic solid waste problems, creates jobs, conserves energy and natural resources, and protects the public's health and safety. Passage of this bill would set the trend for other jurisdictions within the region to follow. We cannot afford to lose this opportunity.

I welcome your support.

Attachment

APPENDIX

Impact of Returnable Beverage Container Legislation

Labor and Economic Impact

The "Returnable Beverage Container Act" would provide more jobs for minimally skilled residents of the District. Retailers have stated they would have to hire more people to handle the returnables and the increased bookkeping. A study done by Mr. Ted Schienman (an economist for the Maryland Council on Environmental Economics) on the potential impact of Beverage container on employment in the District indicated with containers making only 4 trips there would be an increase of 386 jobs in D.C. (The same study indicated a container making 20 trips would result in an increase of 497 jobs for the District.)

A study performed under contract by the Research Triangle Institute for the United States Federal Energy Administration (FEA) in 1976 assessing the energy and economic impact of a national mandatory deposit law indicated containers making 5 trips would result in a net increase of 117,000 jobs on a national level. (This figure increases to 118,000 if the returnable containers make 10 trips.)

Reduction of the Solid Waste Stream

This legislation would decrease the amount of solid waste being generated in the City thereby reducing the burden on the District's trash collection and disposal system.

According to the U.S. Environmental Protection Agency (EPA), beverage containers comprise approximately 7 % of the total solid waste stream nationally, and they are becoming an increasingly large component of municipal waste. Enactment of this bill would result in a 65 to 75 % reduction of that portion of solid waste and reduce the total municipal waste stream 4 to 6 %. In the District this would mean that the flow of garbage to the rapidly depleting landfill would be reduced by 120 tons per day with no cost or risk to the taxpayer.

Tied closely to the issue of solid waste management is the problem of litter. The Returnable Beverage Container Act would provide an incentive to reduce litter. Beverage containers comprise over 20 % of the litter in the City, and it is one of its most visable and dangerous components. Giving the containers a monetary value of 5 cents would encourage both adults and young people to pick up a returnable container for the deposit. There is no question that this regulation would actually reduce the litter in our streets and alleys.

In Oregon the Allied Decision System Study made in 1974 revealed that its "bottle bill" reduced the beverage container portion of the litter by 66 %. This translates into a 10.9% reduction in total litter. In Washington, D.C. this would mean a 13.8 % reduction in total litter. Reduction in this portion of litter would mean a savings in the money spent on litter collection and disposal -- a point that must be emphasized as the District faces the summer tourist season with an austere budget.

Conservation of Energy and Natural Resources

The "Returnable Beverage Container Act" would conserve energy and natural resources. Beverage containers use 45% of all the glass, 6% of all the aluminum

and 2% of all the steel produced in this country. A study done for FEA indicated that implementation of a nation-wide mandatory deposit law would reduce the daily U.S. energy consumption by the equivalent of 70,000 - 81,000 barrels of oil. Nation wide, the amount of energy expended in supplying beer and soft drinks in throw away cans and bottles would supply all of the electrical needs of Pittsburg, Boston, Washington, D.C. and San Francisco for one year. Refillable containers provide an inexpensive and energy-saving alternative to the continued proliferation of energy wasting and resource consuming disposable beer and soft drink containers.

Effect on the Consumer

The "Returnable Beverage Container Act" would benefit the consumer by using the non refillable containers the consumer is forced to pay for the container as well as the product inside it. According to the EPA the cost of manufacturing a can has risen 34% and a glass bottle 16% since 1974. As the costs for materials used in producing beverage containers increase, these increases will be passed on to the consumer in the form of higher prices. By encouraging the use of refillable bottles, this bill will decrease the amount of natural resource being used and thus help hold down prices.

A 28 city survey done by the League of Women Voters in 1976 found that a six-pack of soft drinks in seven to sixteen ounce refillable bottles costs about 30 cents less than the same sizes in throwaway containers. The biggest potential saving is for users of 32 ounce soft drinks. The study found that refillables cost an average of 16.8 cents less than throwaways. Even recent Coca Cola advertisements have pointed out that refillable containers "will save you money," they "keep your pocketbook happy."

Protection of Health and Safety

Beverage container legislation would protect the public health and safety of District residents. Glass beverage containers left in streets, alleys, and playgrounds, if not shattered purposely, break with time and create an obvious health and safety menace to people and pets. The "pop top" container is banned for the same reason. Once discarded, the detachable piece poses a hazard to children playing in bare feet and pets because of its sharp edges.

Julius W. Hobson

A BILL

In the Council of the District of Columbia

Councilmember Julius W. Hobson introduces the following bill which was referred to the Committee on _____

To require a minimum refund of five cents on all beverage containers and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "Returnable Beverage Container Act of 1977".

Sec. 102. Definitions. For purposes of this act --

(a) "Beverage" means beer or other malt beverages, soda water and carbonated soft drinks in liquid form and intended for human consumption.

(b) "Beverage container" means any individual, separate, sealed glass, plastic or metal bottle, can, jar or carton containing a beverage. Cups and other open receptacles are specifically excluded from this definition.

(c) "Consumer" means any person who purchases a beverage in a beverage container for use or consumption without intent to resell.

(d) "Dealer" means any person who engages in the sale of beverages in beverage containers in the District of Columbia to consumers.

(e) "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer in the District of Columbia, including any manufacturer who engages in such sales.

(f) "Manufacturer" means any person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

(g) "Non-refillable beverage containers" means any beverage container of a type which is not ordinarily collected from consumers for refilling with a beverage.

(h) "Vending machine" means any coin operated machine for selling individuals beverages.

Sec. 103. Refund Value Required. Every beverage container in which beverages are sold or offered for sale in the District of Columbia after June 1, 1978, shall have a minimum cash refund value of five cents.

Sec. 104. Acceptance for Refund. (a) On or after June 1, 1978 a dealer in the District of Columbia shall not refuse to accept from a consumer any beverage container marked pursuant to Section 107 of this act, of the brand of beverage sold by the dealer, or refuse to pay in cash to the consumer the refund value of such beverage container established pursuant ot Section 103 of this act, if the beverage container is presented at the location at which the dealer sells or offers for sale such beverages in beverage containers to consumers, provided that for the purposes of this section, "dealer" shall not include persons selling beverages to consumers for on-premise consumption.

(b) On or after June 1, 1978 a distributor in the District of Columbia shall not refuse to accept from a dealer any beverage container marked pursuant to Section 107 of this act, of the brand of beverage sold by the distributor, or refuse to pay in cash to the dealer the refund value of such a beverage container as established pursuant to Section 103 of this act, if the beverage container is

presented at the time and location of any delivery of filled beverage containers by the distributor to the dealer.

Sec. 105. Vending Machines. (a) For beverage containers sold in vending machines in the District of Columbia, the lessee of the machine shall make a good faith effort to provide a means whereby the containers sold in said machine, may be returned for a refund. The owner of a vending machine providing beverages in either bottles or cans, shall provide a means whereby the beverage containers may be conveniently stacked at the point of purchase.

(b) The lessee of a vending machine dispensing beverages in paper or plastic cups shall provide a trash receptacle near such vending machines and provide for the regular emptying of such receptacle.

Sec. 106. Detachable Beverage Container Openings. On or after June 1, 1978, no person shall sell or offer for sale in the District of Columbia, any beverage in a metal beverage container so designed and constructed that a part of the container is completely detachable in opening the container without the aid of a can opener, other than screw tops or bottle caps.

Sec. 107. Beverage Container Markings. On or after June 1, 1978, no distributor shall sell or offer for sale in the District of Columbia a beverage in a non-refillable beverage container that does not clearly indicate in a securely affixed manner in lettering no less than ½ inch in height, the following information: (a) the beverage container is to be sold within the District of Columbia; and (b) the refund value of the beverage container as established in Section 103 of this act.

Sec. 108. Education. In conjunction with community and business groups, the Mayor shall establish a program to publicize the purpose of this act and to encourage consumers to return their containers and to clean them after using them. To achieve widespread dissemination of this information, the Mayor should use the newspapers, radio and television and civic and neighborhood groups.

Sec. 109. Penalties for Violation. Any person who violates any provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction, shall be fined in an amount not exceeding $300.00 for each offense. Each day that such violation is committed or permitted to continue shall constitue a separate offense. In addition thereto, the Mayor of the District of Columbia or his authorized representative may institute in the Superior Court of the District of Columbia, a proceeding for a temporary or permanent injunction or other appropriate action for the enforcement, or to correct violations, of this act, and said court shall have jurisdiction to grant the relief sought.

Sec. 110. Provision for Court Suit. (a) Any person may commence a civil action in the court of competent jurisdiction on his own behalf against any person (including the District of Columbia to the extent permitted by the Eleventh Amendment of the United States Constitution) who is alleged to be (1) in violation of any requirement of this act, or (2) in violation of any order issued by the Mayor with respect to any such requirement or (3) engaged in any act prohibited by this act;

(b) No action may be commenced under this section --

(1) prior to sixty days after the plaintiff has given notice of the violation (i) to the Mayor, and (ii) to any alleged violator of the requirements; or

(2) if the Mayor has commenced and is diligently prosecuting a civil or criminal action in the court of competent jurisdiction in the District of Columbia to require compliance with the act or to have the appropriate penalty assessed.

Sec. 111. Severability. If any provision of this act or any section, sentence, clause, phrase or word or application thereof in any circumstances is held invalid, the validity of the remainder of the act and the application of any other provision section, sentence, clause, phrase or word shall not be affected.

Sec. 112. Effective Date. This act shall take effect as provided for acts of the Council in Section 602 (c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To ALL COUNCILMEMBERS

From STERLING TUCKER, CHAIRMAN

Date JANUARY 10, 1977

Subject Consolidation of the Council's Legislative Agenda in Council Period Two.

In the memorandum on Committee Reorganization which I circulated at the Council retreat (December 9, 1976) I stressed repeatedly the necessity of consolidating not only the Council's Committee structure but also its legislative workload. Specifically, I ended that memorandum with four recommendations toward realization of that goal:

(1) Early identification of major legislative priorities and consolidation of Council activities around these priorities.

(2) Early identification of committee goals and objectives and the development of a legislative agenda around these goals.

(3) More attention to a realistic workload for the Council and the Committees, with greater emphasis on broad legislative priorities and on quality rather than quantity.

(4) Development of a more workable and productive timetable for accomplishment of major Council and Committee goals.

I consider the implementation of the above recommendations the first order of business before this Council and a prerequisite of its optimum functioning as a legislative body. Accordingly, I recommend, as detailed below, that the next 3-4 weeks of Council and Committee work be concentrated primarily on the development of a comprehensive, cohesive and realistic legislative agenda for this session of the Council and the identification of specific strategies for enactment of such an agenda.

I believe, as do most of my colleagues, that the District's first Home Rule Council can justly claim an admirable record. In our first two years we were able among other things, to check galloping inflation in our city budget; to pass several significant and complex pieces of legislation; and to pinpoint, and in some cases correct, areas of gross mismanagement in the executive branch of our government.

And yet, our two years of initiation as a Council also revealed some important weaknesses and shortcomings in the way we approached our job of legislating solutions to problems in the District of Columbia. Too often we tried to do too much too fast; to act in response to crisis rather than foresight and planning; and to stretch our resources too thin. This somewhat "hit or miss" approach, while unavoidable in this embryonic period, was often counterproductive to the development of sound legislation and the forging of long lasting solutions to the very problems such legislation was intended to correct.

As we reconvene this month, I am confident that we constitute a more secure, experienced and cohesive legislative body. The first test of our maturity will be the extent to which we can build on the accomplishments, and learn from the problems of the first Council and correct the weaknesses revealed in its legislative approach. Just as the first Council necessarily (and successfully) directed most of its early energy to the problem of organizing itself into a cohesive and viable legislative body, this Council must apply similar energy and determination, in its early stages, to development of a long range legislative agenda. Such an agenda must be based upon:

(1) A comprehensive approach to the problems of the District and the Council's role in addressing them. As already indicated, this implies an early consensus by the Council on its major legislative priorities and, as important, a determination that these priorities will serve as the focal points for the legislative work of the Council. A haphazard approach to issues as they arise must give way to a clear understanding of this Council's major tasks in the next two years and the "packaging" of legislative measures to cure the problems, not just alleviate symptoms. In the area of housing, for example, we must proceed, with the aid of the Legislative Commission on Housing, to develop simultaneously a

balance of legislative measures addressing in complementary form the problems of supply, maintenance and availability of housing for both existing and new residents of the District. A major lesson of our first two years is that the ad hoc legislative approach in areas as complicated as housing and neighborhood preservation will compound the problem rather than solve it. A second lesson is that the Council cannot be -- or do -- all things for all people, if it is to function effectively in the areas of greatest need. I am confident that in this, our second session, we are ready to distinguish between narrow constituent interests and fundamental issues and to structure accordingly a legislative agenda focused on major problems and implemented by a balanced strategy which transcends committee lines.

(2) A more deliberative and selective approach to legislation. A focus on a comprehensive issue-oriented legislative agenda assumes development of a more deliberate approach to legislation. I would hope that the pressures on the first Council to address each and every problem legislatively - with the result that quantity sometimes overshadowed quality - can give way, in this second session to a much more analytical approach. The early endorsement of a legislative agenda spelling out for the community the tasks we hope to accomplish will permit more research and greater circumspection prior to introduction of legislation - a luxury we lacked in the first session. No piece of legislation need - or should - be introduced in this legislative session unless it complements the Council's legislative agenda; addresses one of the major problems identified; provides or is part of a workable solution to the problem; and represents the highest caliber of legislative research and draftsmanship.

The first session of the Council produced almost 400 bills, many of which never received Committee consideration. Our legislative agenda must aim for much greater selectivity in legislation introduced - toward a greater focus, better balance, and optimum utilization of our resources in addressing the major issues before us.

Components of a Legislative Agenda

As indicated, a legislative agenda for the Council must be the product of Council consensus. A proposed procedure for arriving at such a consensus is outlined below. Following, as a point of departure for development of a legislative agenda, are the major tasks, as I see them, facing this second session of the Council.

(1) Reformulation of the District's revenue raising system toward maximum equity and utilization for the accomplishment of specific public purpose goals - subject to the recommendations of the Tax Revision Commission and the Citizens' Gambling Study Commission.

(2) Legislation to require Council oversight and approval of the expenditure of all federal funding, including federal grants.

(3) Development of a District of Columbia personnel merit system.

(4) Revamping of the District's system and approach to provision of human service. The first priority is the reorganization of DHR and the enactment of legislation to insure maximum efficiency and economy in provision of the Department's services.

(5) Development (subject to the recommendations of the Legislative Commission on Housing) of an integrated legislative package to increase the supply of housing, particularly for low and moderate income residents; promote housing maintenance and rehabilitation; preserve and restore neighborhoods for existing residents and newcomers; assure availability of decent housing for the District's low and moderate income population; and facilitate home ownership for a broad range of the population; and facilitate home ownership for a broad range of the population.

(6) Development of an integrated economic development package geared to job creation; business retention and promotion; development of a Civic Center; tax and other incentives to investment in the District.

(7) Development of a transportation plan to connect District residents with jobs; promote the use and reduce the public cost of public transportation; make public transportation available and affordable to low and moderate income riders; curtail the use of automobilies; and develop a Public Parking Authority.

(8) Define the Council's role vis-a-vis the public school system and its higher education system.

(9) Exercise, through hearings and legislation, the Council's oversight responsibility over the District's manpower programs.

(10) Enactment of legislation to increase credit availability for so-called "high risk" consumers while curtailing the more flagrant consumer credit abuses.

(11) Legislation to divert juveniles from the court system and to deal with the length and conditions of juvenile detention.

Procedures for Development of a Legal Agenda

To assure speedy formulation of a legislative agenda for the Council's second session, I propose the following steps:

(1) Submission by each Councilmember to each Committee chairperson of a list of legislative priorities subject to the jurisdiction of that Committee. All lists should be in the hands of the Committee chairpersons no later than January 25.

(2) Based on the above lists and other consideration, preparation by each Committee of legislative priority list focused on specific goals and stated problems which the Committee intends to address. These Committee legislative agendas should be completed on later than February 15.

(3) Appointment by the Chairman, in consultation with the members, of an Ah Hoc Legislative Agenda Committee to integrate the legislative agendas submitted by the Committees into an integrated and prioritized agenda for the Council. The Ad Hoc Committee will present its recommendation to the Commiettee of the Whole no

later than March 7. Simultaneously, the proposed agenda, together with background and rationale, will be sent to all Neighborhood Advisory Commissions for comment and input.

(4) Adoption of a Resolution of Endorsement, by the Committee of the Whole, of a legislative agenda for this Council, no later than May 1. Such a Resolution of Endorsement would serve to establish the broad perimeters of the Council's legislative agenda for the next two years.

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

January 13, 1977

Dear Mr. Newman:

On Monday, January 3, 1977 I introduced the "Initiative and Referendum Amendment Act" (Bill 2-2, referred to the Committee on Government Operations). The purpose of the bill is to enable citizens to participate directly in the District's legislative process. It would amend the Home Rule Charter to permit citizens to (1) draft legislation for voter approval or disapproval and (2) place legislation that has already become law on the ballot for voter consideration.

As an effective tool for self-government (which has been used extensively in such states as Colorado, California, Washington, and Oregon), the initiative and referendum process would enable Citizens and Community organizations to directly voice their sentiments on issues and make those sentiments public policy. Passage of this bill would insure that controversial issues such as gun control,marijuana reform and returnable beverage containers would accurately reflect a majority positon of District voters.

I am asking your support for the "Initiative and Referendum Amendment Act" and hope you will testify when the Committee on Government Operations holds public hearings on this legislation. If you have further ideas for encouraging citizen interest and immediate Council action on this important democratic reform, I would welcome your suggestions.

My office will keep you informed on possible hearing and mark-up dates. If you have any questions please do not hesitated to contact my Executive Assistant, Mr. Sandy Brown. (724-8072)

Sincerely,

Julius W. Hobson
Councilman at-Large

Attachment

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To All Councilmembers

From Julius W. Hobson, Councilman at-Large JWH

Date January 3, 1977

Subject The Initiative and Referendum Amendment Act

The only means through which the people of the District of Columbia can participate directly in their government is through the initiative and referendum process. Councilmembers preached "democracy" in election speeches. Now is the time to indicate by your vote on this issue whether or not you are still willing to place the "government" in the hands of people.

I have introduced today the "Initiative and Referendum Amendment Act of 1977". The difference between this bill and Bill 1-256 (the "Initiative and Referendum Act" which I introduced last year) resulted directly from the public hearing held last October 29. Because of citizen input, I have strengthened the bill by recommending an amendment to the Home Rule Charter. Under the 1977 bill, a voter approved initiative or referendum measure now becomes the equivalent to an act passed by the Council and signed by the Mayor. Support for this bill has been voiced by a number of groups such as the American Civil Liberties Union, the D.C. Federation of Civic Associations, D.C. Public Interest Group (PIRG), the Washington Teachers Union, D.C. Power, and the Upper Northeast Coordinating Council.

The initiative portion of this bill would allow citizens to draft legislation and place such legislation on the ballot for approval or disapproval. If approved by the electorate, the initiative measure would then be referred to Congress as an act in the same manner as legislation passed by the Council and signed by the Mayor. The essential elements of the bill's initiative provisions closely parallel those of California, Oregon, and Washington. Specifically the bill requires that:

1. Any initiative measure which is to be proposed must be presented to the Board of Elections and Ethics, accompanied by a petition that sets forth the text of the proposed legislation.

2. The initiative petition must be signed by at least 5 % of the qualified voters in the District of Columbia who voted for Mayor at the last mayoral election.

3. The petition must qualify at least 90 days before the next general election if it is to be considered by the voters at that election. (A special election on the initiated measure may be called.)

4. Upon qualification, the initiated measure would be placed on the ballot without alteration for consideration at the next general election

5. If a majority of electors vote in favor of the initiative measure, it shall be transmitted directly to Congress in the same manner as legislation that has been passed by the City Council and signed by the Mayor.

6. The City Council may amend or repeal an initiated act which has become law by another act provided such an act has been placed before the voters and has received an affirmative vote.

The referendum provisions of the bill would enable citizens to place legislation that has been passed by the City Council, signed by the Mayor and has become law on the ballot for approval or disapproval. If a majority votes to reject the legislation such legislation shall become null and void. The basic elements of the referendum portion of the bill also closely parallel those of California, Oregon and Washington. The bill provides that:

1. Any referendum measure which is to be submitted to the voters must be presented to the Board of Elections and Ethics and filed within 90 days after that measure has taken effect. (ie. after an act has been passed by the Council, signed by the Mayor and has become law.)

2. The referendum petition must be signed by at least 5 % of the qualified voters of the District of Columbia who voted for Mayor at the last mayoral election.

3. The referendum petition must qualify at least 30 days before the next general election if it is to be considered at that election.

4. Emergency acts, laws calling for elections, and laws providing for tax levies or appropriations for the operating budget of the District of Columbia are not subject to a referendum vote.

5. Legislation reaffirmed (approved) by a majority of votes shall take effect 30 days after the election.

The idea of initiative and referendum in the United

States developed at the turn of the Century as an outgrowth of the Progressive Reform Movement. The Progressives saw the power of initiative and referendum as a tool for the people to take direct action and therefore bypass the traditional, and often cumbersome, legislative process and executive veto. More recently this theme has repeated itself, particularly in the post-Watergate atmosphere. Recent public opinion polls suggest that the public has become increasingly suspicious of the traditional political process with what they perceive as its special interests, highly paid lobbyists, and unresponsive public officials and favor reforms in the political system which would give them a final check. The initiative and referendum are means to this end.

South Dakota was the first state to adopt initiative and referendum provisions and make them a part of its constitution in 1898. Since that time 21 other states have adopted both the initiative and referendum as amendments to their constitutions. California has made the greatest use of its initiative and referendum provisions. Since their adoption in 1911, 202 measures have been placed before the voters of California through the initiative process. Of these 202 measures, 44 have been adopted. As recently as 1974 the voters in that state approved Proposition 9, the Political Reform Initiative concerning financial disclosures and limitations affecting political campaigns. This past year the initiative process was successfully used to qualify a Nuclear Safeguards ballot proposition which was presented to the California voters in June 1976. Similar nuclear safeguard propositions also qualified for the November 1976 elections in Montana, Colorado, Arizona, Oregon, Washington and Ohio.

During the most recent general elections citizens of a number of states made use of the initiative process on a variety of issues. A Utility Consumers Initiative qualified and was approved by the voters of Colorado. In Michigan citizens approved a "Bottle Bill" Initiative. In Massachusetts the voters placed a Utility Life Line Initiative, a "Bottle Bill" Initiative, and a Gun Control Initiative on the ballot.

In the District of Columbia the initiative and referendum provisions of the proposed Charter amendment would supplement the present legislative process and allow the electorate to voice directly its sentiments and make that sentiment public policy

The experience in California, as well as in Oregon, Washington, and Colorado, indicate that their citizens have used the initiative and referendum in a responsible and intelligent manner, and its use has become a routine part of the legislative process in those states, I believe that if there is to be true self government in the District, then its citizens must have the

tools to participate directly in the legislative process. The initiative and referendum are such tools for self government.

I welcome your support.

Julius W. Hobson

A BILL

In the Council of the District of Columbia

Councilmember Julius W. Hobson introduced the following bill which was referred to the Committee on _____

To amend the Charter of the District of Columbia to provide for the power of initiative and referendum.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Initiative and Referendum Amendment Act".

Sec. 2. That the amendment to the Charter which follows such be placed on the ballot at the November, 1977 election:

"PROPOSED AMENDMENT TO THE HOME RULE CHARTER

"INITIATIVE AND REFERENDUM

"Initiative

"Sec. 101

The initiative is the power of the electors of the District of Columbia to propose legislation and refer such legislation directly to the electorate to pass or reject the same.

"Sec. 102

(a) An initiative may be proposed by presenting to the Board of Elections and Ethics a petition that sets forth the text of the proposed legislation; and

(b) is certified by the Board of Elections and Ethics to

have been signed by qualified electors equal in number to five percent of those persons persons casting votes for all candidates for Mayor at the last mayoral election.

"Sec. 103

The Board of Elections and Ethics shall then submit the initiative measure without alteration at the next general election held at least 90 days after it qualifies or at a special election held prior to that general election.

"Sec. 104

(a) If a majority of the qualified electors voting on the initiative measure vote in favor thereof, such initiative measure shall thereupon become an act.

(b) The Chairman of the Council of the District of Columbia shall transmit all such acts to the Speaker of the House of Representatives and the President of the Senate on the day the Board of Elections and Ethics certifies that a majority of the qualified electors voting on the initiative measure voted in favor thereof.

(c) No initiated act which has been ratified by a majority of the qualified electors shall take effect until the end of the 30 day period (excluding Saturdays, Sundays, and holidays and any day on which either House in not in session) beginning on the day such initiated act is transmitted by the Chairman of the Council of the District of Columbia to the Speaker of the House of Representatives and the President of the Senate and then only if during such 30 day period both Houses of Congress do not adopt a concurrent resolution disapproving such

such initiated act.

"Referendum

"Sec. 201

The referendum is the power of the electors of the District of Columbia to approve or reject laws except emergency laws, laws calling for tax levies or appropriations for the operating budget of the District of Columbia, and thereby suspend such laws from going into effect until the majority of the qualified electors votes it concurrence and approves the law by an affirmative vote.

"Sec. 202

A referendum may be proposed by presenting to the Board of Elections and Ethics within 90 days after the effective date of the law, a petition certified by the Board of Elections and Ethics to have been signed by qualified electors equal in number to five percent of those persons casting votes for all candidates for Mayor at the last mayoral election, asking that the law or a part of it be submitted to the electors.

"Sec. 203

The Board of Elections and Ethics shall then submit the measure at the next general election held at least 30 days after it qualifies or at a special election held prior to that general election.

"Vote and Effective Date -- Conflicts -- Legislative Repeal or Amendment

"Sec. 301

A referendum approved by a majority of votes thereon shall

take effect 30 days after the election. If a referendum petition is filed against a part of a law the remainder shall not be delayed from going into effect.

"Sec. 302

If provisions of two or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

"Sec. 303

The Council of the District of Columbia may amend or repeal referendum laws. It may amend or repeal an initiative act by another act. Such an act shall become effective pursuant to Section 602 (c) of the District of Columbia Self-Government and Governmental Reorganization Act and upon approval by the electors unless the initiative act permits amendment or repeal without the approval of the electors.

"Sec. 304

Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Mayor who shall prepare a title and sumary of the measure.

"Sec. 305

The Council of the District of Columbia shall provide the manner in which petitions shall be circulated, presented and certified and measures submitted to the electors.

Sec. 3. This amendment shall take effect pursuant to Sections 303 and 604 of the District of Columbia Self-Government and Governmental Reorganization Act.

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

January 14, 1977

Dear Mr. Borum:

On Monday, January 3, 1977, I introduced the "Returnable Beverage Container Act of 1977" (Bill 2-5 referred to the Committee on Transportation and Environmental Affairs). Following the Oregon and Vermont models, the bill requires a minimum refund of 5 cents on all beverage containers and would go into effect on June 1, 1978 independently of the enactment of similar legislation by the surrounding jurisdictions.

The "Returnable Beverage Container Act" concerns a topic that is of vital importance to the whole issue of solid waste management and the environment in the District. I am asking for your support for Bill 2-5 and hope you will testify when the Committee on Transportation and Environmental Affairs holds public hearings on this legislation. If you have further ideas for encouraging citizen interest and immediate Council action on this important environmental issue, I would welcome your suggestions.

My office will keep you informed on possible hearing and mark-up dates. If you have any questions please do not hesitate to contact my Executive Assistant, Mr. Sandy Brown. (724-8072)

Sincerely,

Julius W. Hobson

Julius W. Hobson
Councilman at-Large

Attachment

Mr. Lawrence Borum
National Urban Coalition
Federal Bar Bldg.
1815 H St., N.W.
Washington, D.C. 20006

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

January 21, 1977

Dear Abe:

On Monday, January 3, 1977, I introduced the "Non Criminal Police Surveillance Act" (Bill 2-6, referred to the Committee on the Judiciary). The purpose of the bill is to protect the basic rights of privacy, freedom of expression and association and the redress of grievances by establishing specific safeguards against police surveillance activities aimed at the lawful political activities of individuals and organizations.

Recent court proceedings, public hearings, citizen complaints and press accounts have revealed that the Metropolitan Police Department has concerned itself with the legitimate political activities of citizens in the District of Columbia during the late 1960's and early 1970's which resulted in the violation of basic civil liberties. Bill 2-6 begins to address this issue.

I am asking your support for the "Non Criminal Police Surveillance Act" and hope you will encourage the Committee on the Judiciary to hold public hearings on this legislation. If you have further ideas for encouraging citizen interest and participation, I would welcome your suggestions.

Please do not hesitate to contact my Executive Assistant, Mr. Sandy Brown, at 724-8072, for further information.

Sincerely,

Julius W. Hobson

Julius W. Hobson
Councilman at Large

Enclosure

Mr. Abe Bloom
3313 Harrel St.
Wheaton, MD 20900

Council of the District of Columbia
Memorandum

District Building, 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To Councilmembers

From Julius W. Hobson, Councilman-at-Large JWH

Date January 3, 1977

Subject Non Criminal Police Surveillance Act of 1977

I have introduced the "Non Criminal Police Surveillance Act of 1977". The purpose of the bill is to protect the basic rights of privacy, freedom of expression and association and the redress of grievances. The act sets specific safeguards against police surveillance activities aimed at the lawful political activities of individuals and organizations in the District of Columbia.

BACKGROUND

Last year I introduced and co-introduced two bills dealing with police surveillance which were both referred to the Comittee on Public Safety. The first bill, the "Non Criminal Police Surveillance Act of 1976." (Bill 1-287) was introduced on May 3, 1976 and cosponsored by Marion Barry. Bill 1-287 outlines the type of police intelligence activities that are illegal -- activities such as unauthorized wire tapping, inciting people to engage in unlawful activities or interfering with the lawful activities of individuals or organizations.

The second bill, the "Police Records Act" (Bill 1-362) was introduced on July 29, 1976 by Councilwoman Hardy and myself. More narrow in its approach to controlling police intelligence activities, Bill 1-362 sets out guidelines and regulations for the gathering and dissemination of records by the Metropolitan Police Deparment and other District agencies.

Public hearings on the "Non Criminal Police Surveillance Act of 1976" were held on July 9, 1976, but no action was taken by the Committee on that bill or "The Police Records Act" and both pieces of legislation died with the end of the first Council period.

SUMMARY OF PROVISIONS

The bill would:

1. Prohibit unlawful surveillance by any official or agent of the District of Columbia. It

defines unalwful surveillance as the gathering or disseminating of information relating to an organization's or individual's political, social, or economic views or their activities where such activities are lawful. (This bill would in no way preclude surveillance in instances where a crime has been committed or where there is reasonable belief that one is about to be committed.)

2. Make wiretapping and other types of electronic surveillance illegal unless a judicial warrant was first obtained.

3. Prohibit the dissemination of information gathered by the Metropolitan Police or any other District Agency in violation of this act to any department or agency of the United States Government or to any other state and local agencies.

4. Make it unlawful for any official or agent of the District of Columbia to take action which would hinder an individual's or organization's lawful activities, or to incite individuals within an organization to engage in unlawful conduct.

5. Allow an individual to inquire whether the District has unlawful surveillance information on that person and gain access and possession of such information if it exists.

6. Require that all information gathered in violation of this act be destroyed after allowing suitable time for individuals involved to gain possession of that information.

7. Prohibit the funding of activities which involve non criminal police surveillance.

8. Provide damages up to $3,000 for individuals and organizations subjected to illegal surveillance as well as compensatory damages, (for such things as mental and emotional distress) punitive damages, and attorney's fees and costs.

THE NEED

As a result of recent court proceedings, public hearings, citizen complaints, and press accounts, it has become clear that the Metropolitan Police Department has concerned itself with the legitimate political activities of citizens in the District of Columbia during the late 1960's and early 1970's

which resulted in violation of basic civil liberties. It is equally obvious from a Metropolitan Police Department report, dated March 7, 1975, written in response to a City Council memorandum requesting a full accounting of its non-criminal surveillance activities, that the police believe they have done no wrong. The responses that have been given to Council inquiries have been evasive and vague. The police have failed to cite any single concrete instances where non criminal surveillance has resulted in preventing the loss of life or serious property damage during major demonstrations. There is virtually a complete lack of justification for funds spent on intelligence activities for non crime related objectives.

In addition, the amount spent on investigating "subversive" activities through 1973 has taken a disproportionate amount of the Police Department's resources. For instance, during the period between 1968-1975 $2,341,000 was spent on personnel in the security investigation branch, while only $504,000 was spent on organized crime* -- indicating a rather distorted set of priorities.

The "Non Criminal Police Surveillance Act" is designed to curb future Police involvement in the lawful activities of individuals and organizations in the District by providing permanent guidelines and safeguards in the conduct of police investigations. These safeguards are not only necessary for the protection of individual civil liberties but are essential for the maintenance of an open society and democratic form of government. The D.C. Committee on the Bill of Rights and other interested citizens have been instrumental in developing this bill which has drawn widespread Community support.

I urge your support for this important piece of legislation.

*Attachment "K" of the Metropolitan Police Department's report on the operations of the Intelligence Division, dated March 7, 1975.

Julius W. Hobson

A BILL

In the Council of the District of Columbia

Councilmember Julius W. Hobson introduced the following bill which was referred to the Committee on _____

To protect privacy and the exercise of first amendment rights in the District of Columbia and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Non Criminal Police Surveillance Act of 1977".

Sec. 101. Purpose and findings. The Council of the District of Columbia finds that --

(a) The right to privacy, freedom of speech, freedom of the press, freedom of thought, freedom of association and assembly, and the right to petition the government for the redress of greviences are among our most cherished civil liberties and entitles everyone to be left alone and to hold, advocate and demonstrate for any and all political, economic, social or sexual views and preferences, whether or not shared or approved by the majority of people; and

(b) After exhaustive private investigation and extensive public hearings, that the free exercise of these constitutionally protected rights has been restricted, interfered with, and made more difficult by virtue of certain activities carried out under the auspices of the District of Columbia Metropolitan Police Department, including but not limited to, the infiltration of organizations addressing local or national issues; the photographing of persons

who participated in peaceful demonstrations; the use of clandestine agents and informants to gather highly personal and political data on persons engaged in public protest and political activity; the unlawful interception of personal and organizational mail; the unlawful entry into offices and residences for the purpose of obtaining information on the occupants' political, social and economic activities; the use of telephone wire-taps and electronic surveillance without prior judicial approval; the employment of agents provocateur to incite unlawful conduct; the disruption of public meetings by cutting sound system wires; and the distribution of drugs to demonstrators in order to make them ill; and,

(c) the information obtained from unlawful police activities, together with information secured from other sources including the news media, and information volunteered to and sought by, police officials from private citizens, were kept in dossiers by the Metropolitan Police Department, uncirumscribed by any publicly known guidelines or procedures which would assure that irrelevant, false, inaccurate, misleading or unlawfully obtained material was destroyed; and,

(d) on the basis of all the information supplied to it by people in the District of Columbia who were, or had reason to believe they were or would be subjected to such political surveillance, that such surveillance invaded or threatened their privacy and unquestionably had a chilling effect upon their free exercise of speech, press, thought, association and assembly, and of their right to petition the government for redress of grievances; and that at times such surveillance caused them and their friends,

relatives, neighbors and associates to refrain from attending meetings, signing petitions, subscribing to periodicals, participating in public demonstrations, joining organizations, and generally inhibited them from exercising their First Amendment rights; and,

(e) Political surveillance is specifically designed to, and definitely has the effect of restricting the democratic political processes by which peaceful and orderly change takes place; and,

(f) The Council of the District of Columbia must take legislative action to protect privacy and the expression of ideas and to afford these freedoms preeminent protection from governmental incursion in order to foster and secure that robust and wide open debate of public issues so indespensible to a democratic society;and,

(g) the vague and unsubstantial claims of possible criminal violations have been used in the past as an attempt to justify surveillance of groups exercising their First Amendment freedoms; and,

(h) the protection granted by this act extends only to privacy and to the advocacy of ideas and affords no bar to governmental action where criminal activity is involved.

Sec. 102. Unlawful surveillance. (a) Unlawful surveillance is hereby defined as gathering, receiving, keeping, or disseminating oral, written, recorded, photographic or other information relating to the political, economic, or social or sexual preferences or ideas of any person or organization or their activities where such activities are constituionally protected or are not unlawful.

(b) Unlawful surveillance by any official, employee or agent of the District of Columbia is hereby prohibited; except that nothing contained herein shall be construed to prohibit surveillance of any person where (1) a crime has been committed or there are reasonable grounds to believe that a crime is about to be committed. and (2) there are reasonable grounds to believe that the crime was committed, or is about to be committed, by the person or persons to be surveilled; and (3) the information sought is relevant to the crime under investigation.

Sec. 103. Exemption. The following limited information gathering shall be exempt from the operation of this act:

(a) Information on political party preference provided by a voter to the District of Columbia Board of Elections when the Board is required by law to maintain such information.

(b) Information provided by an applicant for a permit when a permit is required by law for such activities as public meetings, demonstrations, marches and parades, and the information relates to the time, place and manner of such proposed activity.

Sec. 104 Interception of conversations. Unless a judicial warrent is first obtained, it shall be unlawful for any official, employee or agent of the District of Columbia to engage or assist, by wiretap or electronic surveillance, in the interception, recording or transcription of any telephone or other conversation, without the prior consent of all participants to such conversations. This section shall not be applicable to telephone calls made to the Metropolitan Police or Fire Departments on the emergency telephone numbers.

Sec. 105. Prohibition of records. Except as provided in

Section 107 herein, no information obtained as a result of any violation of this act shall be furnished or divulged to any person or to any department or agency of the United States or of any state or political subdivision thereof.

Sec. 106. Disruption. It shall be unlawful for any official or agent of the District of Columbia, working within or from without any group or organization engaged in lawful activities, to perform any act with the purpose of:

(a) hindering or disrupting its activities; or

(b) sowing dissention within its ranks; or

(c) inciting it or its members to engage in unlawful conduct.

Sec. 107. Distribution of files to the public. At any time within 90 days immediately following the effective date of this act, any person or organization may inquire of the Mayor or his designated agent whether any agency of the District of Columbia has unlawful information about such person or organizations, acquired before the effective date of this act, and if such information exists, shall be given without charge all such information, files, and records, in whatever form.

Sec. 108. Destruction of files and other records. In the period between 90 and 120 days immdiately following the effective date of the act, all officials, employees, or agents of the District of Columbia shall destroy all unlawful surveillance information which they either hold or over which they have control.

Sec. 109. Prohibited use of funds. No appropriated funds of the District of Columbia, or funds made available to the District

of Columbia from any source, shall be expended or used for any purpose prohibited or made unlawful by this act.

Sec. 110. Declaratory and equitable relief, attorney's fees and costs. The court shall grant declaratory relief and attorney's fees and costs, pursuant to Section 112, to any person or organization subjected to any violation of this act, and/or to any local taxpayer of the District of Columbia where funds have been expended in violation of Section 109. In addition, the court shall grant to the parties aforesaid, such equitable relief as may be proper under the circumstances.

Sec. 111. Damages. Any person or persons who violate Sections 102, 104, 105, or 106 of this act shall, together with the District of Columbia, be jointly and severably liable in the following amounts to each person and/or organization subjected to such violation: $3,000.00 together with compensatory damages (including damages for mental and emotional distress, irrespective of the violator's intent), punitive damages, and attorney's fees and costs pursuant to Section 112. Each of the following violations shall constitute a separate and distinct cause of action to which damages, fees and costs shall attach:

(a) All "gathering" and "receiving" information prohibited by Section 102 which takes place within any seven consecutive days.

(b) All violations of Section 104 which take place within any seven consecutive days.

(c) All disclosures made in violation of Section 105 which take place within any twenty-four consecutive hours.

(d) Every act performed in violation of Secion 106.

Sec. 112. Attorney's fees and costs. Full attorney's fees and costs shall be awarded to the plaintiff if any declaratory, injunctive or monetary relief is granted in the plaintiff's favor without regard

to:

(a) whether such legal services were performed by private, public, or legal services attorneys or by law students working under the supervision of an attorney; or

(b) whether such fees were contracted for, were paid, or are due and owing. The fee shall represent the reasonable value of the services rendered, taking into account all the surrounding circumstances, including but not limited to, the time and labor required on the case, the benefit to the public, the skill demanded by the novelty or complexity of the issues, and the need to encourage the enforcement of this act. In no event, however, shall attorney's fees awarded be less than the product of the amount of time reasonably spent on the case multiplied by the approximate average hourly rate then being charged by private attorneys in the District of Columbia. Fees awarded work performed by law students under the supervision of an attorney shall be based on the approximate average hourly rate then being paid law students by attorneys in the District of Columbia. Plaintiff's cost recoverable hereunder shall include expenses for filing fees, depositions, photocopies, travel, toll calls, summoning witnesses, professional and expert witnesses, and other similar expenses.

Sec. 113. Sovereign and official immunity. No defense of sovereign or official immunity may be interposed by any person or the District of Columbia in any court for violations of this act.

Sec. 114. Supplementary remedy. The remedies provided in this act are supplementary to, and in no way modify or supplant, any other applicable causes of action arising under the Constitution,

statute, or common law.

Sec. 115. The provisions of this act shall be liberally construed so as to afford the maximum portection feasible to privacy and the exercise of free speech, press, thought, association and assembly, and of the right to petition the government for redress of grievances.

Sec. 116. Posting. A copy of this act shall be prominently and permanently posted in all District of Columbia public libraries and police stationhouses in a location visible to the public.

Sec. 117. Statute of limitations. Any cause of action arising under this act shall be barred unless brought within three years of the date of the violation of the act or within three years of the date the plaintiff knew of its violation, whichever is later.

Sec. 118. Severability. If any provision of this act, or any section, sentence, clause, phrase or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of the act and the application of any such provision, section, sentence, clause or word shall not be affected.

Sec. 119. Effective date. This act shall take effect as provided for acts of the Council of the District of Columbia in Section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198.

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

Dear

Thank you for your warm congratulations upon my election to an at-large seat on the Council of the District of Columbia.

Having an elected government for the first time in more than one hundred years is of great importance to the people of the District of Columbia, and I am very pleased, proud and honored to be a part of this historical event.

I will endeavor during the next four years to be a representative of all of the citizens of the District of Columbia in an effort to bring about improved conditions in all aspects of city life.

Sincerely,

Julius W. Hobson
Councilmember at Large

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

Dear

The last part of August, while the D.C. City Council is in recess, is a good time to reflect on how much or how little we have accomplished under the first seven months of home rule. Having been elected for four years as an at-large Councilmember, I feel a particular responsibility to focus on those issues which have long range implications and which may even extend beyond borders of the District.

The enclosed summary lists where we have been and indicates the direction of our future efforts in your behalf. To insure that these priorities represent the best thinking of all of us, I am enclosing a questionnaire which I hope you will take the time to complete and return to me. Your ideas will enable me to plan where I can best apply my energies as the City Council begins work on pending legislation in the fall. We also need and encourage volunteer help in developing and supporting legislative programs. If you know of someone with time and interest to devote to city problems please let me know.

I will also be reserving time to visit with friends and constituents between 10:00 A.M. and 12 Noon on Friday mornings. If you have problems or legislative items you wish to bring to my attention, please call either my Administrative Assistant Mrs. Lorraine McCottry, or my Executive Assistant Mr. Sandy Brown at 638-2223.

Sincerely,

Julius W. Hobson

Julius W. Hobson
Councilman at Large

Enclosures

JULIUS W. HOBSON
Councilman at Large

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

Reference:

Dear

Thank you for your communication concerning legislation currently pending before the Council of the District of Columbia.

I appreciate your interest in the affairs of the city. I will certainly keep your views in mind when the Council considers this issue.

Sincerely,

Julius W. Hobson
Councilman at Large

January 26, 1977

Mrs. Irma G. Reynolds
2528 S. Central Avenue
Birmingham, Alabama 35209

Dear Mother:

I have just left the doctor's office and believe it or not he says I am fine and that I have stabilized. I went over there for three weeks and each time they have told me I was okay. I do not have to go into the hospital in the foreseeable future. I hope that it is not as cold and icy there as it is here.

Love, your son,

Enclosure

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

JULIUS W. HOBSON
Councilman at Large

January 24, 1977

Mr. and Mrs. Roy Jastram
131 Laurel Drive
Carmel Valley, California 93924

Dear Virginia and Roy:

It has taken me a while to answer your letters because I can no longer write and therefore I have to dictate letters to my administrative assistant, so please forgive this formal typing.

I want to thank you both very much for your letters which were indeed kind and I was happy to get such news from you. Again, I want to express my gratitude for the $12,000.00 that you sent to pay back my retirement fund. This will mean that Tina will get a pension for the rest of her life from my retirement. This was a big favor and I cannot begin to express my appreciation. I can sleep better now knowing that Tina will be left some form of security besides cash insurance which does not seem to last too long. I thank you over and over again. Tina is also better now that some of the burden and worry has been lifted from her and I am more at ease because I do not have to worry about her being left destitute and without any security.

The boys were here and we enjoyed them very much. As I said to you, "Virginia", I felt guilty having them come across the world to see me in the hospital and then I wasn't in the hospital but they were quite jolly about it. They are fine boys by anybody's standards and I hope that if something should happen to me that they will come to see their mother. The doctors in the hospital told me that the treatment that I was about to take was very dangerous and that 50 percent of the people who take the treatment died in the process. The doctors then suggested that I come out of the hospital and wait until I get sick enough to warrant such a chance. Tina and I have prepared for whatever may happen. My main hope is that she not be left alone in this asphalt jungle and that she have some degree of independence which, with your help, she now has.

I am feeling fine today--in fact--I don't know that I am sick. There are days when I feel good and there are days not so good. This is a good day! Probably the most important thing that has happened since I talked with you is that I got to see the boys one more time, although I am sorry that they had to come so far .

Again, thanks a lot. I will be looking forward to talking with you from time to time.

Sincerely,

Jack Ellis

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

JULIUS W. HOBSON
Councilman at Large

Mr. Carl H. McIntyre
Director of Campaign Finance
504 Munsey Building
Washington, D.C. 20004

Dear Mr. McIntyre:

As requested in your letter of January 31, 1977, I am submitting a sworn written statement concerning the release and authorization of an August 27, 1977 News Release.

Sincerely,

Julius W. Hobson

Julius W. Hobson
Councilman at-Large

Attachments:

Sworn statement
News Release dated August 27, 1976
Statement released September 2, 1976

STATEMENT BY COUNCILMAN JULIUS W. HOBSON

For

THE BOARD OF ELECTIONS AND ETHICS

The News Release attributed to me dated August 27, 1976 was neither written, typed, printed, distributed, nor released by me or anyone else in my office. Mrs. Hardy's office contacted me by telephone asking if I would lend my name to a statement her office was preparing indicating that the City Council had at no time voted to raise real estate taxes. I consented to having my name associated with that statement. I did not authorize Mrs. Hardy to issue a News Release in my name on City Council stationery.

Julius W. Hobson

JULIUS W. HOBSON
Councilman-at-Large

DISTRICT OF COLUMBIA

: ss:

Subscribed and sworn to
before me this 4th day
of February, 1977.

E. M. Batchelder

Notary Public

My commission expires 6/14/77

District of Columbia City Council
News Release

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

FOR IMMEDIATE RELEASE
(STATEMENT)

AUGUST 27, 1976

COUNCILMAN JULIUS HOBSON ANGERED BY POLITICAL TACTICS
OF WARD SEVEN CANDIDATES

"I am enraged that the candidates opposing Councilwoman Willie Hardy in Ward Seven have been telling the voters of that Ward that the current City Council has voted to raise real estate taxes. This is absolutely untrue. I consider this as a personal insult to my integrity and character as an at-large member of the Council. Not one of us has voted to raise ANY real estate taxes, and I will oppose any effort to do so in the future.

"The legislation that these opponents of Mrs. Hardy have been unable to understand is merely enabling legislation. There would be no new bonds; there would be only a refinancing of Treasury Department bonds, bonds which our real estate taxes already pay for, and have been paying for for many years. By refinancing bonds, the city will actually SAVE money.

"When I heard about the deceptive practices going on, I was shocked; but when I saw these allegations in print, I was angered. Congress has given us this limited form of self-government, and they would be more than happy to take it back. When Congressmen see candidates for City Council openly distorting the facts before the public, they have yet another excuse to further disenfranchise us. People who wish to become leaders in this black community cannot be allowed to misinform the very people they want to represent.

"I would ask the voters of the District of Columbia to vote only for those persons who have told them the truth about the work of the Council, and to ignore those who willfully mislead them for their own personal and questionable gains."

(END)

For further info, call 724-8072.

STATEMENT OF COUNCILMAN JULIUS W. HOBSON

A news release dated August 27, 1976, that was neither written nor printed in my office, has caused some controversy in Ward Seven. I would like to reiterate the following:

• At no time during the period that an elected City Council has been in office has the Council raised the rate of real estate tax applicable in the District of Columbia. Any statements to the contrary have no basis in fact and come from misinformed individuals.

• Councilwoman Willie Hardy, running for reelection in Ward 7, has my support.

Any other information in the news release relating to "political tactics" or "deceptive practices" of Ward Seven political candidates does not have my support, and should not be considered the opinion of Councilman Julius W. Hobson. Any authorization to allow those statements to be attributed to me was a serious error on my part.

Julius W. Hobson

Julius W. Hobson
Councilman-at-large

District of Columbia Board of Elections and Ethics
OFFICE OF THE DIRECTOR OF CAMPAIGN FINANCE
504 Munsey Building
Washington, D.C. 20004

CARL H. McINTYRE
DIRECTOR

January 31, 1977

Julius W. Hobson, Councilmember
District Columbia City Council
14th and E Streets, N.W.
Washington, D.C. 20004

re: Complaint of Walter Byard

Dear Councilmember Hobson:

Enclosed is a copy of the investigator's report concerning the above mentioned matter, which has been submitted to the Board of Elections and Ethics. However, I have been advised by the Board that I submit your statement to them in writing and under oath. Particular emphasis is to be made in reference to your role in the authorization of the attached news release.

Sincerely,

Carl H. McIntyre
Director of Campaign Finance

Attachment

Dist of Columbia Board of Elections and .hics
OFFICE OF THE DIRECTOR OF CAMPAIGN FINANCE
504 Munsey Building
Washington, D.C. 20004

CARL H. McINTYRE
DIRECTOR

January 14, 1977

TO: Board of Elections and Ethics

FR: Carl H. McIntyre, Director
Office of Campaign Finance

SUBJ: Investigators Report and Opinion involving the Complaint of Walter Byard against Julius Hobson and or Willie Hardy.

The following is the investigator's report and opinion in reference to the aforementioned subject.

Although Councilmember Hobson denies authorization of the news release involved, in view of the attach report, it is hereby recommended that the Board adopt the investigator's recommendation therein.

D.C.-44
May 1967

Memorandum • Government of the District of Columbia

TO: Carl H. McIntyre, Director

Department,
Agency, Office: Campaign Finance

FROM: Lindell Tinsley, Investigator

Date: January 6, 1977

SUBJECT: January 5, 1977 Interview
With Willie Hardy
Member of the City Council

On January 5, 1977, at 10:30 A.M., I had the opportunity to interview Councilmember Willie Hardy in the investigation of Walter Byard v. Julius Hobson and/or Willie Hardy.

On September 3, 1976, the District of Columbia Board of Elections and Ethics received correspondence from Walter Byard in the nature of a complaint. Mr. Byard is a former candidate for City Council in Ward 7. The complaint alleges that a news release, (see attachment) dated August 27, 1976, was circulated widely throughout Ward 7 and at a forum held on August 30, 1976; that this news release is on Council stationery, and its content is totally political. It was therefore requested that we initiate an immediate investigation as to possible violations of the Campaign Reform Act. In substance, Mr. Byard's concern is that any opponents of Councilwoman Hardy are put at a distinct disadvantage with the distribution of this news release on official District Government stationery.

During the January 5, 1977 interview, Mrs. Hardy disclaimed any authorization of this news release and stated that the release came from the office of Councilmember Julius Hobson. Mrs. Hardy points to the following specific language in a later statement of Councilman Hobson, dated September 2, 1976:

> "Any authorization to allow those statements to be attributed to me was a serious error on my part."

Mrs. Hardy does, however, admit to doing the background research for the previous release and stated that she supports the content and the purpose for which the news release was authorized (by Julius Hobson).

It is her opinion that the content of this news release, however political, was made and authorized pursuant to the lawful prerogative of any member of the District of Columbia City Council.

On November 17, 1976, the Director of the Office of Campaign Finance requested a written opinion from the General Counsel involving the jurisdiction of the Board over the use of Council stationery for political purposes. The Director refers to the following specific language in the General Counsel's opinion from which he relies upon 27 Federal Bar 13:

> "An abuse of position to the detriment of a third party is involved when an official uses his official title, stationery or other symbol of his position to influence someone in transactions in which the government is not directly involved."

Relying on the guidelines within the aforementioned language, there is little doubt that the content and purpose of this (August 27, 1976) news release was directed to the average reader by a member of the Council to correct misinformation about the activity of that body.

Since the government is directly involved and has a paramount interest in the accurate communication of information to the public involving the interactions of that body, it is therefore respectfully recommended that this complaint be dismissed.

District of Columbia City Council
News Release

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

FOR IMMEDIATE RELEASE
(STATEMENT)

AUGUST 27, 1976

COUNCILMAN JULIUS HOBSON ANGERED BY POLITICAL TACTICS OF WARD SEVEN CANDIDATES

"I am enraged that the candidates opposing Councilwoman Willie Hardy in Ward Seven have been telling the voters of that Ward that the current City Council has voted to raise real estate taxes. This is absolutely untrue. I consider this as a personal insult to my integrity and character as an at-large member of the Council. Not one of us has voted to raise ANY real estate taxes, and I will oppose any effort to do so in the future.

"The legislation that these opponents of Mrs. Hardy have been unable to understand is merely enabling legislation. There would be no new bonds; there would be only a refinancing of Treasury Department bonds, bonds which our real estate taxes already pay for, and have been paying for for many years. By refinancing bonds, the city will actually SAVE money.

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"I would ask the voters of the District of Columbia to vote only for those persons who have told them the truth about the work of the Council, and to ignore those who willfully mislead them for their own personal and questionable gains."

(END)

For further info, call 724-8072.

STATEMENT OF COUNCILMAN JULIUS W. HOBSON

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Any other information in the news release relating to "political tactics" or "deceptive practices" of Ward Seven political candidates does not have my support, and should not be considered the opinion of Councilman Julius W. Hobson. Any authorization to allow those statements to be attributed to me was a serious error on my part.

Julius W. Hobson

Julius W. Hobson
Councilman-at-large

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS AND ETHICS

DISTRICT BUILDING

WASHINGTON, D. C. 20004

November 17, 1976

MEMORANDUM

TO : Carl H. McIntyre
Director of Campaign Finance

FROM: Winfred R. Mundle
General Counsel

THRU: Board of Elections and Ethics

SUBJ: Request for a written opinion involving the jurisdiction of the Board over the use of Council Stationery

The general rule appears to be that "an abuse of position to the detriment of a third party is involved when an official uses his official title, stationery or other symbol of his position to influence someone in transactions in which the government is not directly involved," 27 Federal Bar 13. With this rule in view, we examine D.C. Code, section 1-1181(b) which reads:

> "No public official shall use his official position or office to obtain financial gain for himself, any member of his household, or any business with which he or a member of his household is associated, other than that compensation provided by law for said public official."

It appears that logic would lead one to conclude that if other stationery is used (non-government) it would have to be done at an additional expense and an expense saved is an expense gained.

This would be in violation of D.C. Code, section 1-1181(b) and probably Title 22, section 2206 of D.C. Code, 1973 Edition, as amended.

March 16, 1977

Mr. Vincent Reed
Superintendent of Schools
Public Schools of the District of Columbia
415 12th Street, N.W.
Washington, D.C. 20004

Dear Mr. Reed:

In August of 1976 my husband and I discussed with you our proposed plan to utilize the Council's Redskin tickets to reward student academic achievement. Athletes can easily earn adulation and respect but it is even more important to recognize and reinforce outstanding academic effort. This was a very modest gesture on our part to provide an opportunity for 16 students, who had excelled academically, to sit in the private council box during the 8 home games--the "standards" for awarding the tickets were left up to you.

When you picked up the tickets from Julius, you suggested that some might be awarded to athletes who had distinguished themselves academically; my husband concurred. Although it would have been pleasant for Julius to have received a note of appreciation from the attending students--since he paid the individual food and beverage bills--we were not concerned that the tickets had been misused.

However, we have subsequently received several reports that not one of the tickets was awarded to any student for academic excellence but all were merely distributed to "teachers' pets." Your recent brief letter answering our inquiry did not allay this fear.

Julius' staff and I are currently writing a summary of his activities and achievements while a member of the first elected City Council. We would appreciate the following information for that report:

- To which schools were the tickets distributed?
- What are the names of the students who received the tickets; perhaps the principals or PTA Presidents would remember?
- If not the names, there must be a record of the academic achievements for which the tickets were awarded (even a perfect attendance record for a year would be acceptable!)?

We have told other Council members and friends the purpose for which the tickets were donated. Visible rewards for academic achievement are few--and we thought schools would appreciate the opportunity to "show off" their most able students to other members of the Council attending the games.

We did not expect your personal supervision in this minor matter. If the tickets went astray, we want to be honest about that also. Julius will be disappointed and I will be slightly outraged. We could have had the pleasure of giving them to our own friends and relatives.

I would appreciate hearing from you. My office phone number is 566-3563.

Sincerely,

Tina C. Hobson